
Chapter 4

Emergency Removal Actions

This chapter identifies procedures for evaluating, reporting, planning, conducting, and closing out Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) emergency removal actions. Module A describes the specific procedures for identifying whether an emergency situation exists. Module B highlights the required notifications under CERCLA, the National Contingency Plan (NCP), and the Emergency Planning and Community Right-to-Know Act (EPCRA), as well as the situations under which other federal and state agencies must be contacted. Module C describes the documentation that must be developed to justify the need for and the scope of an emergency removal action. Module D describes the public involvement and Administrative Record requirements that apply to emergency removal actions. Module E describes how to mobilize on-site resources, the required site-specific plans, and progress reporting for an emergency removal action. Module F describes how to determine when an emergency removal action is complete, any post-removal site control measures that are necessary, and coordination with future planned remedial actions. While this chapter specifically addresses emergency removal actions, many of the requirements and procedures outlined in the chapter apply to time-critical removal actions and non-time-critical removal actions, as well.

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4.1 Introduction

4.1.1 Background

Not all actions classified as removal actions under section 300.415 of the NCP will be equally urgent. For example, situations involving fire/explosion or imminent, catastrophic contamination of water supply may require more prompt attention than certain drum removals or cleanups of surface soil. Emergency removal actions are generally taken in response to what are commonly referred to as “classic emergencies.”* Classic emergencies are those actions where the release or threat of release requires on-site activities to be initiated within hours of determining that a removal action is appropriate. In general, emergency removal actions **are** likely to occur as a result **of**: (1) discovery of high concentrations of hazardous substances in heavily populated or traveled zones such as residential areas, workplaces, or **recreational** areas; or (2) threat of fire or explosion at production facilities and waste treatment, storage, or disposal sites.

Due to the urgency in responding to classic emergencies, the procedures for evaluating, planning, implementing, and closing out CERCLA removal actions are abbreviated. To make it easier to locate and follow the required procedures for emergency removal actions, these procedures are completely outlined in this chapter. Chapters **5, 6,** and **7** outline the unique requirements for evaluating, planning, implementing, and closing out **time-critical** and non-time-critical removal actions with cross-references to this chapter for those steps that **are** identical.

*NOTE: This chapter is not intended to aid in the development of, or in any way supplant, facility emergency preparedness plans and standard operating procedures prepared by each facility to comply with DOE Orders 5000.3 "Reactor and Non-Reactor Nuclear Facility Emergency Planning, Preparedness, and Response Program for DOE Operations" and 5500. **1B** "Emergency Management **System,**" nor is it intended as a reference for conducting specific technical activities that comprise an emergency **removal** action, such as ground water monitoring and soil sampling and analysis.*

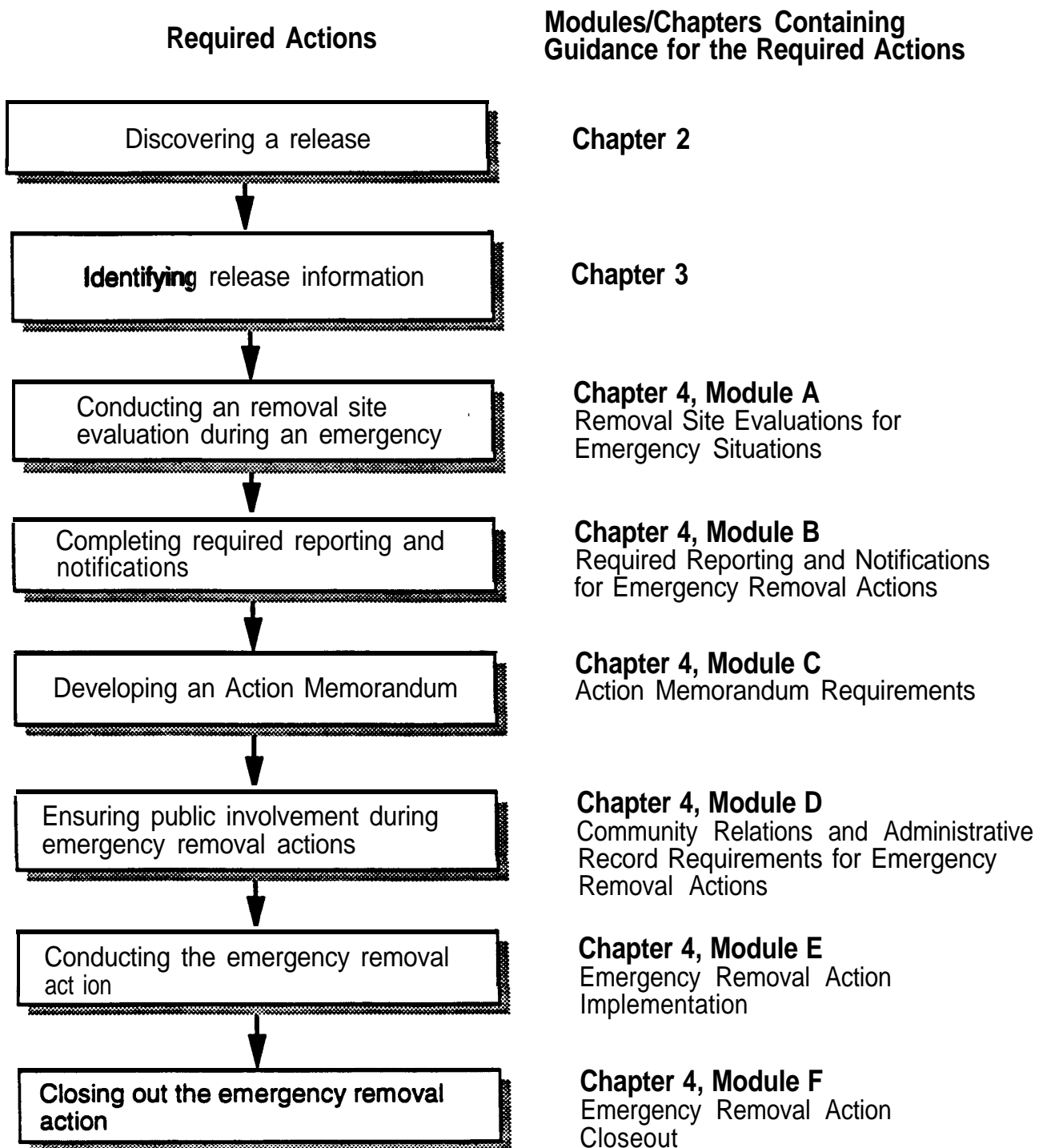
4.1.2
**Major
Requirements**

This chapter contains six modules (see Figure 4.1) as follows:

- **Module A: Removal Site Evaluations for Emergency Situations.** This module describes the specific procedures for identifying whether an emergency situation exists through conducting removal preliminary assessments and, if necessary, removal site inspections. [40 CFR 300.4 10]
- **Module B: Required Reporting and Notifications for Emergency Removal Actions.** This module highlights required notifications under CERCLA/NCP and EPCRA, as well as the situations under which other federal and state agencies must be contacted. [40 CFR 300.125, 300.145, and 300.175]
- **Module C: Action Memorandum Requirements.** This module describes the documentation that should be developed to justify the need for and scope of an emergency removal action along with the necessary activities for completing an emergency removal action.
- **Module D: Community Relations and Administrative Record Requirements for Emergency Removal Actions.** This module describes the public involvement and Administrative Record file requirements that apply to emergency removal actions. [40 CFR 300.155, 300.415(m), and 300.800]
- **Module E: Emergency Removal Action Implementation.** This module describes how to mobilize on-site resources, the required site-specific plans, and progress reporting. [40 CFR 300.150]
- **Module F: Emergency Removal Action Closeout.** This module describes how to determine when an emergency removal action is complete, any post-removal site control measures that are necessary, and coordination with future planned remedial actions.

General requirements for discovery and notification of releases are presented in Chapter 2. Procedures for identifying key information regarding releases are outlined in Chapter 3.

Figure 4.1
Overview of Chapter 4: Emergency Removal Actions



4.2 Module A: Removal Site Evaluations for Emergency Situations

4.2.1 introduction

If the key information identified in Chapter 3, Module A about a release or threat of release is not sufficient to determine the urgency of the situation, the Environmental Restoration Program Manager (ERPM) should begin a removal site evaluation (**RSE**). The RSE consists of a removal preliminary assessment (PA) and if necessary a removal site inspection (SI). The RSE is an evaluation of the extent of threat to human health and the environment in order to determine whether the release meets the criteria for a removal action. The initial part of the evaluation, the removal PA, is based on available information such as written reports, photographs, and interviews with witnesses to determine if the release meets the criteria for a removal action. A removal SI is performed if more detailed information is needed to augment the data collected in the removal PA and to generate, if necessary, sampling and other field data to determine if a removal action is appropriate. For most classic emergencies (e.g., fire/explosion), reviewing key information or conducting a removal PA will be sufficient and often can be completed within minutes or hours of release discovery. Section 300.410 of the NCP describes the RSE process.

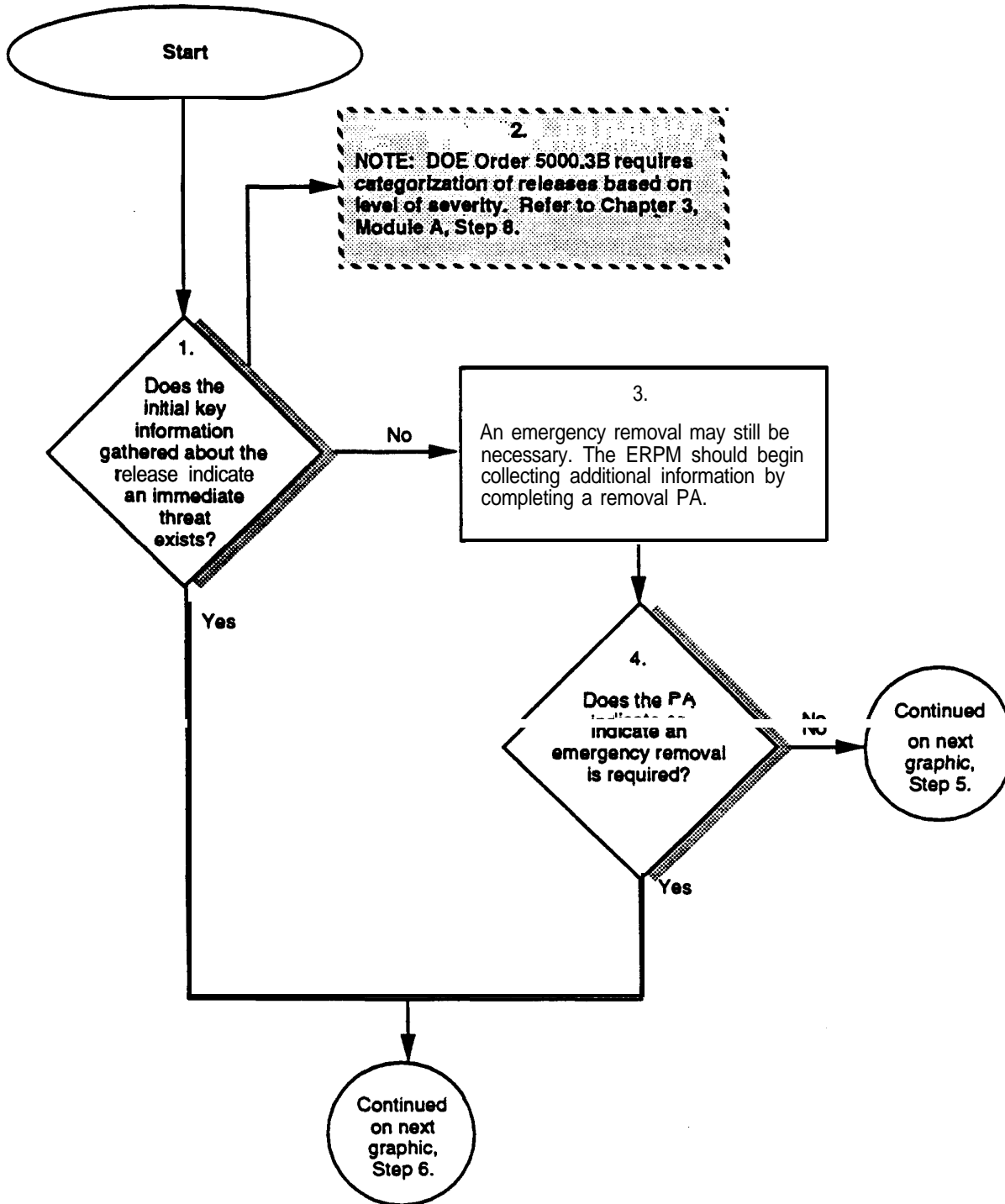
4.2.2 Milestones

In determining whether an emergency situation exists, the ERPM should ask the following questions:

- Does the initial key information gathered about the release indicate an immediate threat exists?
- If not, does the removal PA indicate an emergency exists?
- If not, should a removal SI be conducted to clarify the threats?

The following flowchart guides you through the process of conducting an RSE for emergency situations.

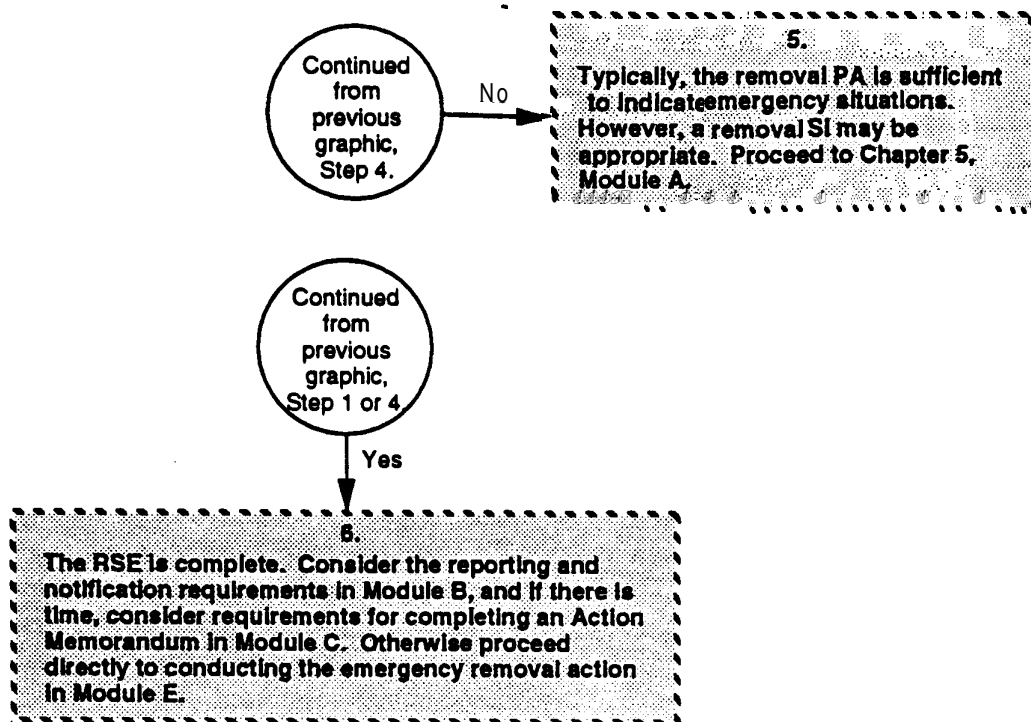
Figure 4.2(1)
Removal Site Evaluations For Emergency Situations



4.2.3 Removal Site Evaluations for Emergency Situations

- Step 1** In many situations, the initial key information that is gathered (see Chapter 3, Module A) will be sufficient to determine that an emergency exists, particularly if there have been fires/explosions or reports of illness, injury, or death associated with the **release**. In addition to the key information, factors that may be readily evident include: (1) physical condition of the release's source and any containment structures associated with the source; (2) **nature** of the material released or threatened to be released; and (3) potential for migration resulting in either exposure to human or environmental receptors or an increase in the area of contamination. The ERPM should exercise best professional judgment in determining whether the initial key information indicates an emergency situation or whether additional investigation is necessary.
- Step 2** As described in Chapter 3, Module A, Step 7, DOE has established its own prioritization scheme for releases of hazardous substances or pollutants or contaminants. The ERPM should refer to DOE Order **5000.3B** (see Appendix A) to categorize a release. The categorization of a release under this order is a good indicator of the type of CERCLA removal action that should be taken (i.e., emergency, time-critical, or non-time-critical).
- Step 3** Depending on the characteristics of the release and the urgency of the situation, a removal PA may take only an hour or two or as long as several weeks. The ERPM should base the PA on readily available information. Typical methods for gathering information during an emergency include reviewing site management practices, reviewing photographs, conducting literature searches, interviewing employees, and performing off-site reconnaissance. If the **release** involves evacuation and relocation, contamination of drinking water, private residences, floodplains or wetlands, radionuclides, or other special circumstances, the ERPM should expedite the PA to determine the appropriate response as quickly as possible. The removal PA is not a formal scoring process and EPA has not prescribed a format for documenting the results of this assessment. **ERPMs** should use best professional judgment in preparing an adequate summary of removal PA findings. In general, removal **PA**s comprise a short memorandum with recommendations to pursue a removal SI, to conduct an emergency removal action, or to pursue no further action under CERCLA authority.
- Step 4** At the conclusion of the PA, the ERPM may be able to: (1) identify the source and nature of the release, (2) evaluate the threat to public health, (3) evaluate the magnitude of the potential threat, (4) evaluate whether one or more of the removal factors in section 300.415 of the NCP (see Appendix C) has been met, and (5) determine whether another entity is undertaking a proper response.

Figure 4.2(2)
Removal Site Evaluations For Emergency Situations



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- Step 5** If the removal PA does not provide sufficient information to indicate an emergency, the ERPM should initiate a removal SI. Most emergency situations, however, will not require a removal SI to determine the level of urgency. Chapter 5, Module B provides guidance on conducting a **removal SI**.
- Step 6** If the removal PA indicates an emergency situation exists, then the RSE is complete and an emergency removal action should be initiated. Depending on the time frame required for response, the ERPM should complete all required notifications (see Module B) and develop the documentation needed to justify taking an emergency removal action (see Module C). **In urgent situations, this documentation can be prepared after the immediate threats have been abated (see Module E).** The data and determinations made during the RSE must be documented and included in the Administrative Record file. The preparation of an RSE report should not impede taking action to respond at a site. Facility compliance agreements may clarify documentation requirements for an RSE.

4.3 Module B: Required Repotting and Notifications for Emergency Removal Actions

4.3.1 Introduction

This module summarizes all of the required reports and notifications for conducting CERCLA removal actions. Many of these reports are required immediately following discovery of the release or threat of release. Some reports **are** required to alert other response and protection authorities of additional information such as potential impacts to endangered species, to detail response progress, and to close out a removal action. This module also summarizes the reports that are required for specific removal action situations, such as threats to natural resources.

Many of the required reports and notifications cannot be developed until the RSE is complete. Other notifications should be made as site conditions warrant (e.g., need for evacuation to respond to a fire/explosion threat).

The ERPM is responsible for ensuring that all required reports and notifications **are** completed. Most of these requirements are specified in NCP sections 300.115 and **300.135, 40 CFR Parts 302, 304(a),** and 355, and DOE Order **5000.3B, “Occurrence** Reporting and Processing of Operations Information.”* Specialized reports may be required under facility-specific agreements.

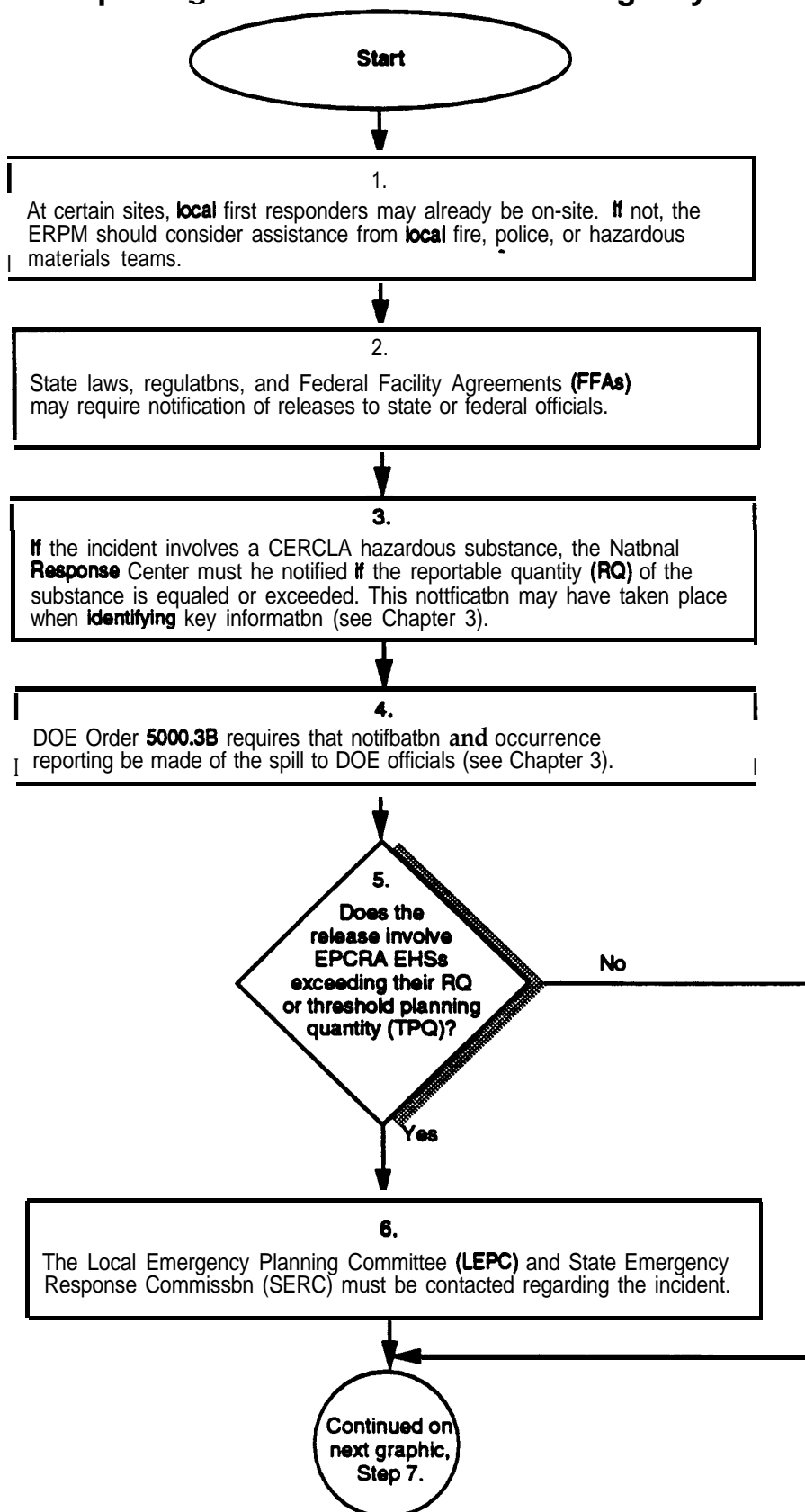
4.3.2 Milestones

To ensure that all required reports and notifications are made regarding a release, the ERPM should ask the following questions:

- Is local first responder assistance required?
- Should state officials be contacted?
- Has a hazardous substance RQ or EHS threshold planning quantity been exceeded?
- Should the National Response Center be notified?
- Has the release categorization under DOE Order 5000.3B been reported?
- Does the incident involve a major release, multi-state region, or other significant issue?
- Has a Final Report been prepared and submitted to the Regional Response Team (RRT)?
- Does the release involve CERCLA hazardous substances or EPCRA extremely hazardous substances?
- Does the release involve radioactive substances?
- Is evacuation and/or relocation required?
- Does the release present a potential public health emergency?
- Is there a threat to natural resources?
- Are endangered species or habitats threatened?
- Are there specific reporting requirements in applicable facility-specific agreements?
- Have initial, progress, and final pollution reports been completed?

The following flowchart guides you through the process of reporting and notifying federal, state, and local entities of an emergency removal action.

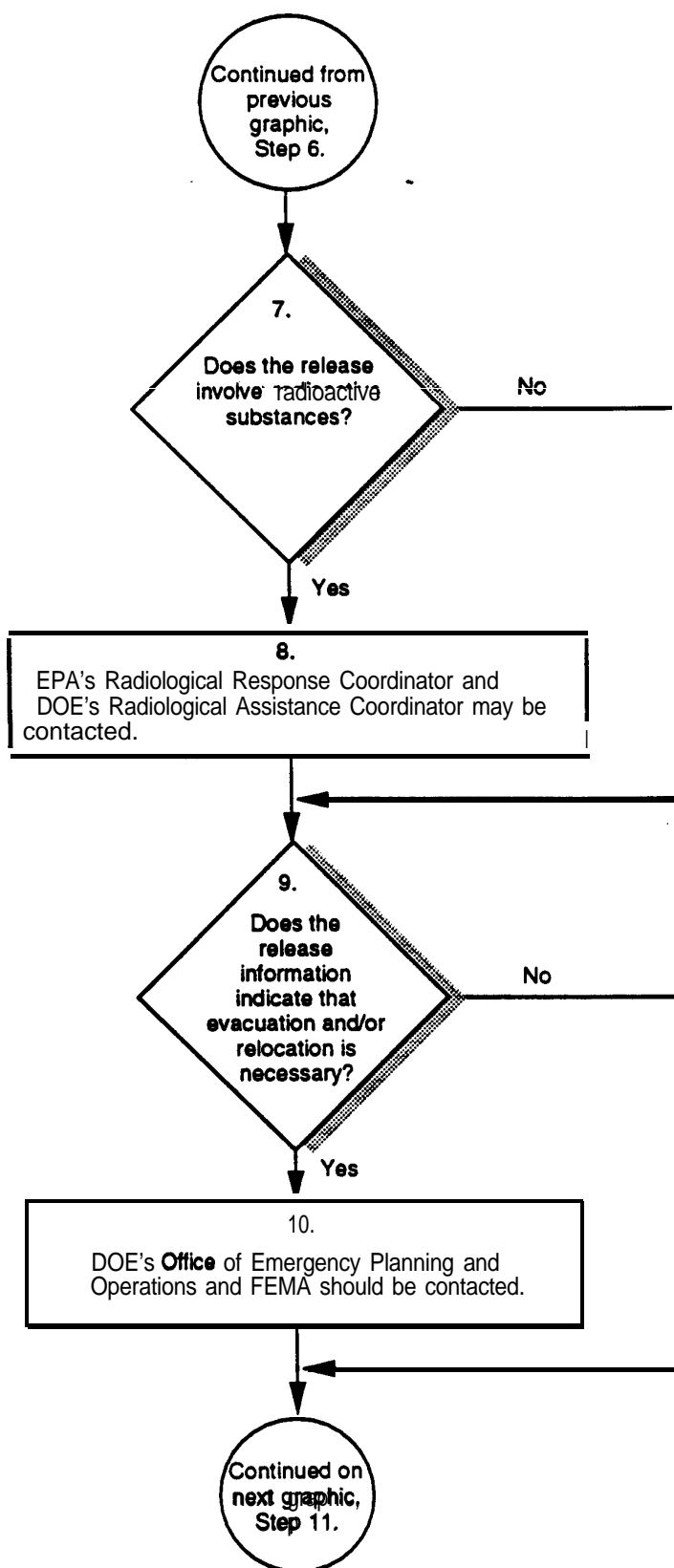
Figure 4.3(1)
Required Reporting and Notifications for Emergency Removal Actions



4.3.3 Required Reporting and Notifications for Emergency Removal Actions

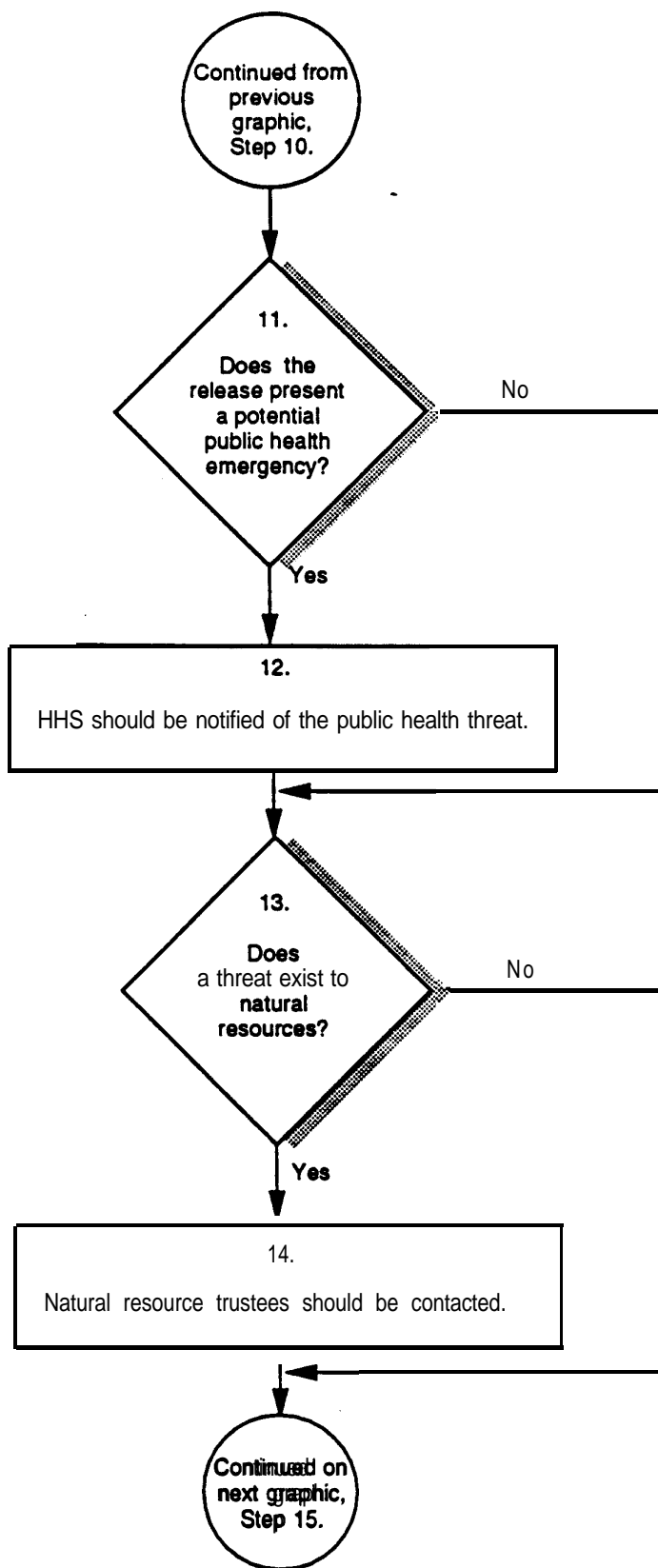
- Step 1** Local first responders (e.g., DOE security or local **fire** and/or police departments) may be the first officials on-site during an emergency situation. If **fires/explosions** or injuries have resulted from the release, local response and medical assistance teams may be contacted, as needed. The names and telephone numbers of local **first** responders may be found in the facility contingency plan.
- Step 2** CERCLA section 120(a)(4) requires all federal facilities to comply with state laws concerning removal and remedial actions when such facilities are not included on the National Priorities List. In addition, facility agreements with the state or EPA may have other requirements such as notification of state or EPA officials in the case of a release or threat of release.
- Step 3** **See** Chapter 3, Module A, Steps 8-10.
- Step 4** See Chapter 3, Module A, Step 7. In addition to notification of the category of spill, DOE Order **5000.3B** requires written occurrence reports be submitted to the DOE Facility Representative and Program Manager as described in section 8.b of the Order. Appendix A to this document summarizes the reporting requirements of DOE Order **5000.3B**.
- Step 5** EPCRA extremely hazardous substances (**EHSs**) **are** listed in 40 CFR Part 355; several of these **EHSs** also **are** listed as CERCLA hazardous substances. In accordance with **EPCRA** section 204, the ERPM should determine if the situation involves a release of an EHS that could migrate **offsite** from a facility at which a hazardous chemical is produced, used, or stored. If an EHS is involved, 40 CFR Part 302 and 40 CFR Part 355 should be reviewed to see if the release equals or exceeds its RQ or threshold planning quantity (**TPQ**). The **RQ-Calculator** developed by DOE may be used to assist with this determination. See Chapter 3, Module B, Step 4.
- Step 6** Under EPCRA section 304(a), the LEPC and SERC must be notified of the release if it exceeds its TPQ or equals or exceeds its RQ. As detailed in 40 **CFR** 355.40, the notification must include: (1) the identity of the substance; (2) determination of whether it is also a CERCLA hazardous substance; (3) an estimate of the quantity released; (4) the time and duration of the release; (5) the medium or media into which the substance was released; (6) any known acute or chronic health risks; (7) the proper precautions to take as a result of the release; and (8) the names and telephone numbers of persons to be contacted for further information. A written follow-up emergency notice is also required describing actions taken to respond to the release and further information regarding health risks and medical advice. See Chapter 3, Module B, Step 4.

Figure 4.3(2)
Required Reporting and Notifications for Emergency Removal Actions



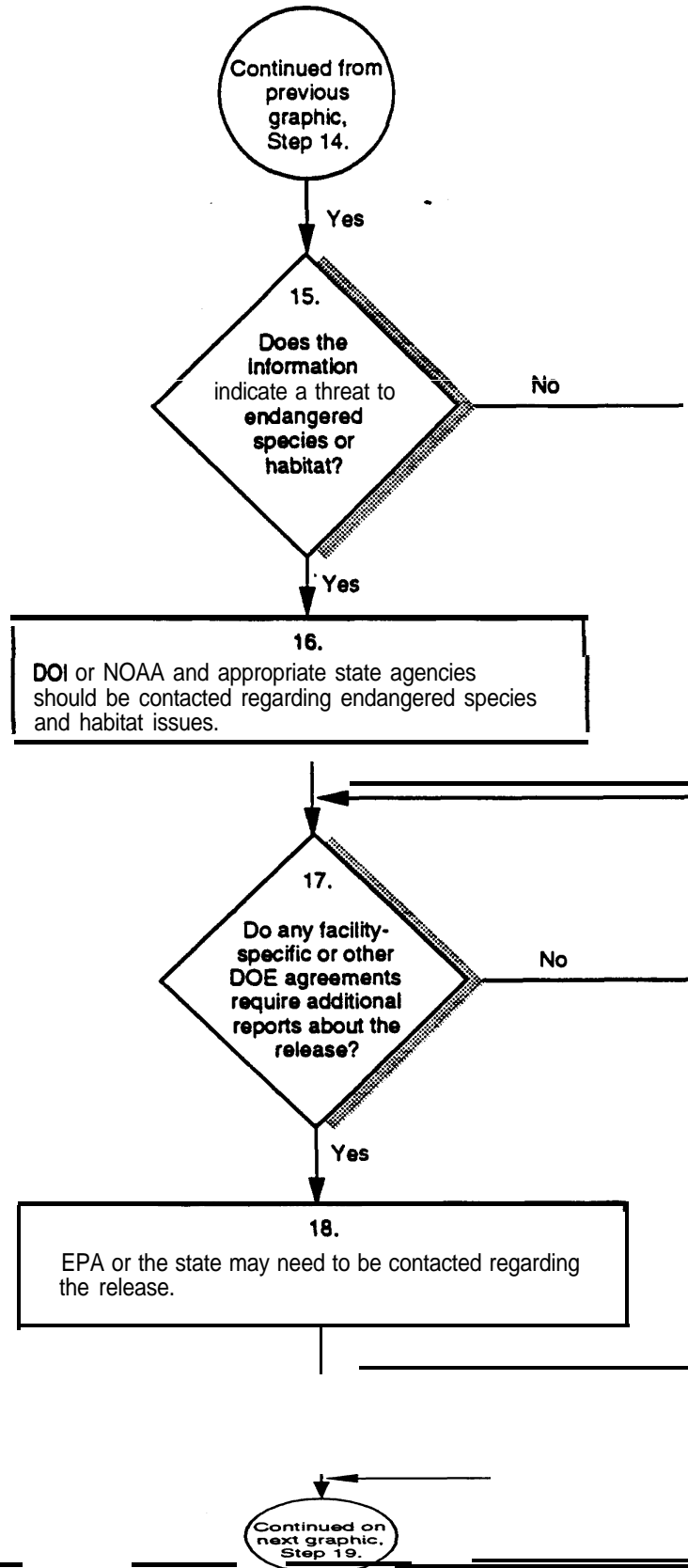
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- Step 7** Radionuclides **are** CERCLA hazardous substances (**see** 40 CFR 302.4, Appendix B). If the RQ for these hazardous substances is exceeded, notification to the National Response Center is required. As outlined in section **300.130(f)** of the NCP, when a discharge or release involves radioactive materials, the ERPM also should consult the notification and assistance procedures described in the Federal Radiological Emergency Response Plan (FRERP) (**see** 50 FR 46542, November **8, 1985**). The ERPM should also consult DOE's **5500** Order series and the occurrence reporting system pursuant to DOE Order **5000.3B**. The reporting requirements of these orders, as well as those required for releases of hazardous substances under CERCLA and **EPCRA**, are discussed in EH-231's guidance *Hazardous Substance Release Reporting Under CERCLA, EPCRA §304, and DOE Emergency Management System/Occurrence Reporting Requirements* (1994).
- Step 8** Assistance with responses to releases of radioactive substances is available through DOE's Radiological Assistance Coordinator in the Office of Environment, Safety and Health. You should contact DOE's Office of Environmental Guidance for a list of DOE Radiological Assistance Coordinators. Also, Radiological Assistance Teams (RATs) have been established by EPA's Office of Radiation Programs (ORP) to provide response and support for releases involving radiological hazards. Requests for support can be made 24-hours-a-day to the Radiological Response Coordinator in ORP. The ERPM should refer to section 300.145 of the NCP for the specific capabilities of the RATs.
- Step 9** In accordance with section 300.135 of the NCP, the ERPM directs response activities and coordinates all other efforts. This includes the need to protect public health and welfare by evacuation or relocation (**see** also Module E, step 12).
- Step 10** If evacuation is necessary, then the ERPM must immediately notify the Federal Emergency Management Agency (**FEMA**) of situations potentially requiring evacuation, temporary housing, or permanent relocation, as described in section 300.135(g) of the NCP. DOE's Office of Emergency Planning and Operations may also provide assistance with evacuation planning and operations.

Figure 4.3(3)
Required Reporting and Notifications for Emergency Removal Actions



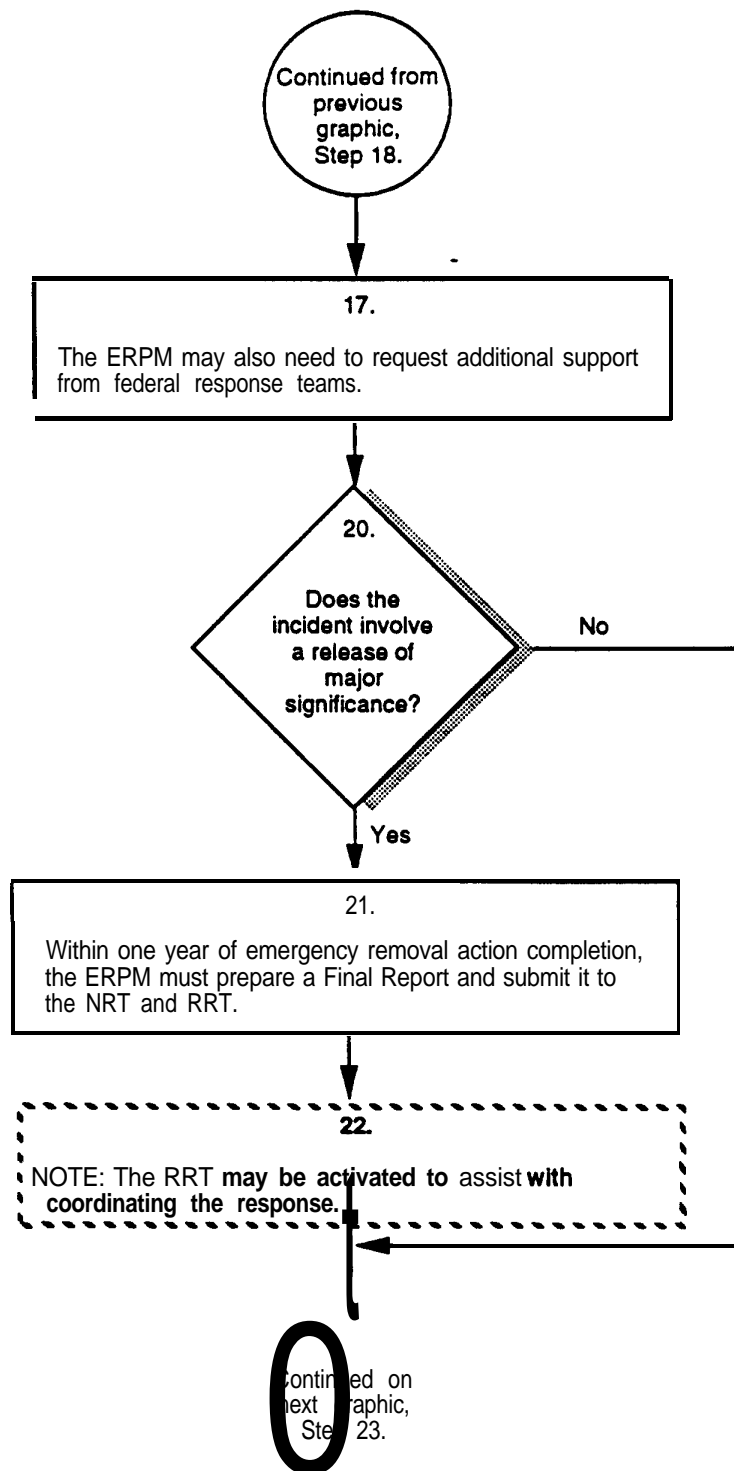
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- step 11** In accordance with NCP section 300.135, the ERPM directs the response effort, but may consult with other federal agencies. In cases of a potential public health emergency, the ERPM may request expert support through the RRT, such as toxicologists or epidemiologists.
- Step 12** The Department of Health and Human Services (HHS), Agency for Toxic Substance and Disease Registry (ATSDR), and the Occupational Safety and Health Administration (OSHA) can be contacted for advice on determining public health threats or worker health and safety issues. The ERPM can access these agencies through the RRT.
- Step 13** In accordance with NCP section **300.135(j)**, the ERPM must assess whether a release is injuring or may injure natural resources.
- Step 14** In cases where a release impacts natural resources that are not under the sole trusteeship of DOE, the ERPM must contact appropriate federal and state natural resource trustees. The ERPM continues to coordinate all response activities including those of the trustees. Trustees can provide expert advice on mitigation measures. Subpart G of the NCP describes the roles and responsibilities of federal, state, and Indian Tribal natural resource trustees. DOE's guidance on natural resource trusteeship provides further information on natural resource trustees.

Figure 4.3(4)
Required Reporting and Notifications for Emergency Removal Actions



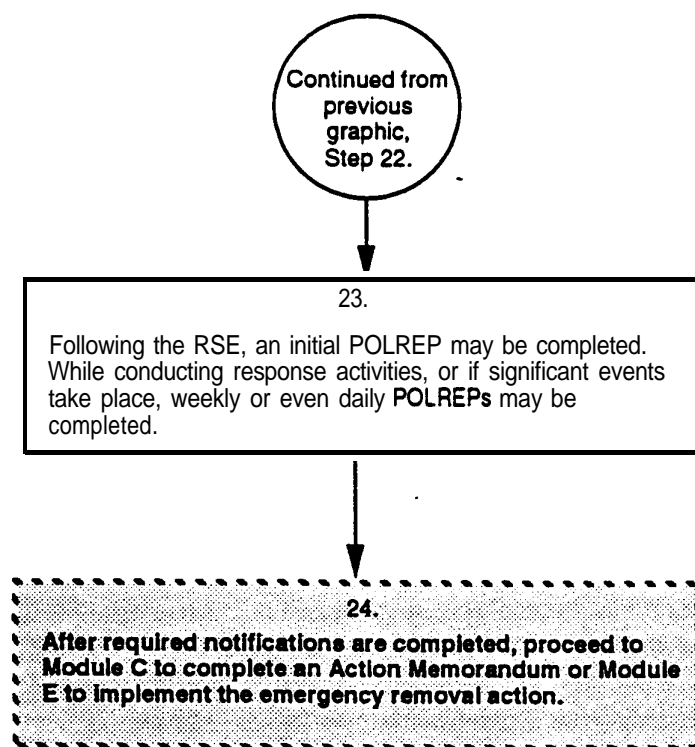
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- Step 15** In accordance with section **300.135(k)** of the NCP, the ERPM must consider whether a release may adversely impact endangered or threatened species or their habitats.
- Step 16** The ERPM should consult with the Department of Interior's (DOI's) U.S. Fish and Wildlife Service or the National Oceanic and Atmospheric Administration (NOAA) regarding adverse impacts on endangered species or adverse modification or destruction of their habitats. DOI provides advice on mitigation actions for inland areas and NOAA for coastal areas.
- Step 17** DOE can enter into Memoranda of Understanding (**MOUs**) or Interagency Agreements (**IAGs**) with other federal agencies or Federal Facility Agreements (**FFAs**) with EPA and the **affected** state. These agreements outline cleanup and compliance milestones and roles and responsibilities, and may indicate specific reporting **requirements** unique to the agreement. The ERPM should review facility-specific and other DOE agreements to ensure all reporting requirements are met.
- Step 10** Often facility-specific agreements will specify state, local, and other agency notification requirements for emergencies resulting from releases or threats of releases of hazardous substances as well as follow-up reports on response activities. The ERPM should ensure that all notification and progress reporting **requirements** are met.

Figure 4.3(5)
Required Reporting and Notifications for Emergency Removal Actions



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- Step 19** Section 300.145 of the NCP describes the special teams and other assistance available to the ERPM, such as the Public Information Assistance Team (**PIAT**), Scientific Support Coordinators (**SSCs**), and the EPA Environmental Response Team (**ERT**). The ERPM can access these teams through DOE's representative to the National Response Team (**NRT**) in DOE's Office of Emergency Management within DOE's Office of Nonproliferation and National Security.
- Step 20** As described in section 300.115 of the NCP, releases of major significance may include situations in which the release exceeds the available response capability, transects state boundaries, or potentially poses a substantial threat to public health or welfare or the environment, or to regionally significant amounts of property.
- Step 21** Within one year of concluding an emergency removal action for a major release, the ERPM must prepare and submit a Final Report to both the NRT and RRT. These reports are used by government officials to respond to inquiries from the public, Congress, Office of the Inspector General, and the General Accounting Office regarding the response and its costs. The Final Report is a complete documentation of the response operation and the actions taken. It should include a summary of events, an analysis of the effectiveness of the removal action activities, a list of problems impacting the response, if applicable, and any ERPM recommendations. Final Reports are available to the public and are part of the Administrative Record file for the site (see Module D). Section 300.165 of the NCP provides details on the format of Final Reports.
- Step 22** Under section **300.115(j)** of the NCP, the RRT may be activated as an incident-specific response team to assist the ERPM with technical analysis and coordination of response activities when a discharge or release has major significance. The roles, responsibilities, and procedures for activating the RRT are outlined in section 300.115 of the NCP and in the Regional Contingency Plans developed by the **RRTs**. **ERPMs** can also activate the RRT through the National Response Center by calling 1-800-424-8802 and requesting a phone bridge with the appropriate EPA Regional Response Center.

Figure 4.3(6)
Required Reporting and Notifications for Emergency Removal Actions



Step 23 ERPMs need to report on pollution and CERCLA removal action progress. EPA uses Pollution Reports (POLREPs) to provide factual, operational, and progressive data on an incident or site activities, and inform other site managers about innovative approaches to containment, site cleanup, waste treatment or disposal, and community outreach measures. Although POLREPs are not required by the NCP, POLREPs may be required by an FFA, **IAG**, or by other internal requirements. If POLREPs are not used, ERPMs may need to develop a report on the progress of the cleanup for the facility manager or other DOE officials.

After the removal PA is complete, the ERPM may prepare an initial POLREP describing the incident, all decisions made, actions taken, and the current status of the site. A POLREP is one method of documenting the RSE. This report also serves as advance notice of future actions and precedes a signed Action Memorandum (see Module C).

The ERPM may also complete progress, special (if needed), and final POLREPs. Progress POLREPs describe the status of ongoing emergency removal action activities, the actions taken since the last POLREP, key issues and problem areas, next steps planned by the ERPM, current and future project costs, and any other pertinent information. Special POLREPs are completed when the situation warrants high-level attention, such as fires, explosions, floods, heightened community or media attention, and accidents. Special POLREPs highlight any change in removal scope as a result of the situation. Final POLREPs are described in Module F. POLREPs are often part of the Administrative Record for a site (see Module D).

Step 24 Following completion of required initial notifications and reports, the ERPM should proceed with conducting the action. Some reports and notifications, however, may be required during the response. If time allows, the Action Memorandum and public participation requirements should be completed (see Modules C and D). In some emergency removal actions, the urgency of the situation will dictate that action be immediately taken. In these circumstances, proceed to Module E to conduct the emergency removal action.

4.4 Module C: Action Memorandum Requirements

4.4.1 Introduction

An Action Memorandum can serve as the primary decision document substantiating the need for a removal response, identifying the proposed activities, explaining the rationale for the **removal** action, and documenting any recommendations for further action. An Action Memorandum prepared following an RSE indicates the need to initiate a removal action response. Although there are no statutory or regulatory requirements to complete an Action Memorandum for removal actions, **ERPMs** are encouraged to complete an Action Memorandum as the official documentation of the removal action decision. DOE considers the Action Memorandum format to be useful for documentation purposes. However, site-specific operating procedures, internal protocols, and agreement-specific documentation requirements should be followed.

The Action Memorandum can be a key document for meeting the Administrative Record file and public participation requirements for removal actions. A copy of the Action Memorandum should be placed in the Administrative Record file and information repository. Action Memoranda should be completed for all removal **actions—emergency**, time-critical, and non-timecritical. The ERPM should refer to EPA Publication No. 9360.3-01, “Action Memorandum Guidance,” September 1990, for details on the components and use of the Action Memorandum, keeping in mind that not all information in EPA’s Action Memorandum format will apply to DOE responses. Appendix B provides an outline of an Action Memorandum and a model Action Memorandum tailored to DOE’s needs.

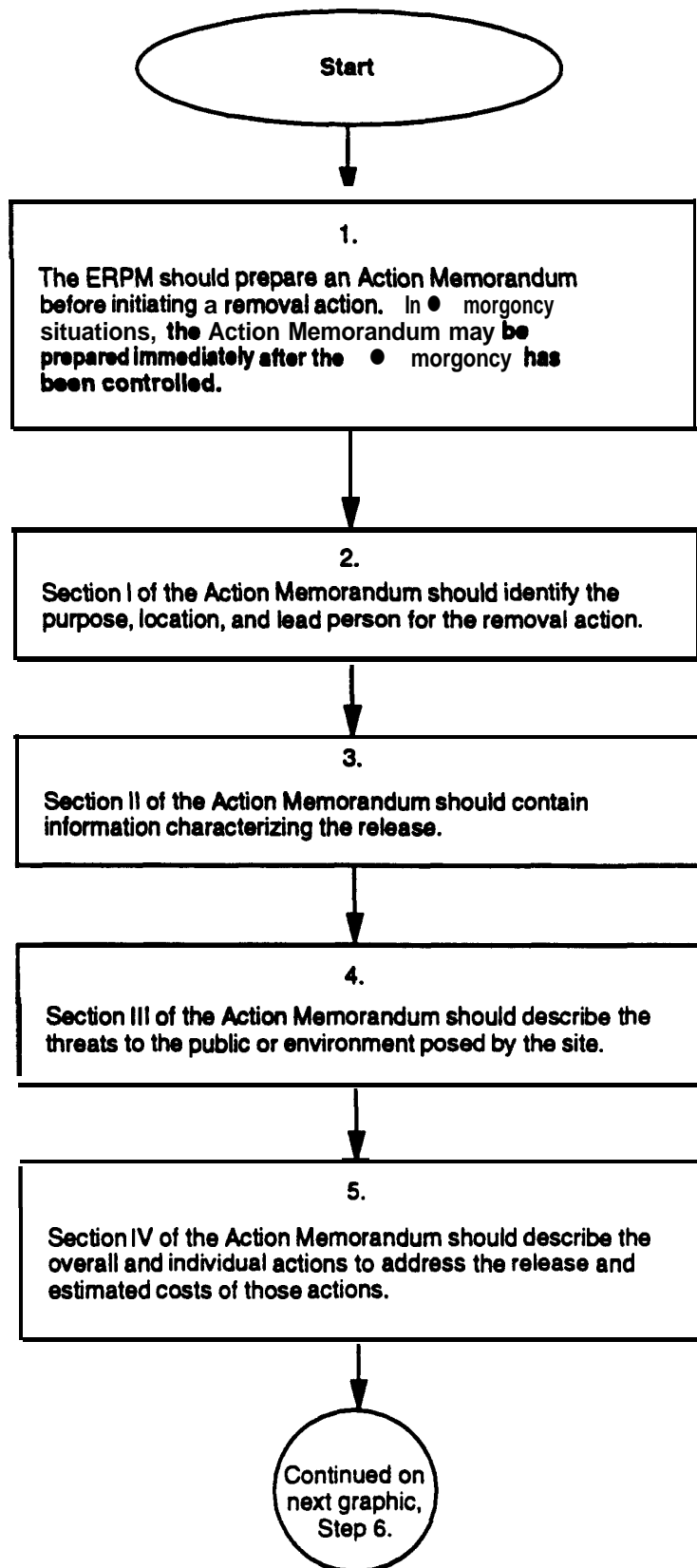
4.4.2 Milestones

When completing an Action Memorandum, the ERPM should ask the following questions:

- What is the purpose of the removal action and its location?
- What are the contaminants, concentrations, pathways of migration, and other details that characterize the release or threat of release?
- What are the threats to public health and the environment posed by the release or threat of release?
- What removal action activities are planned to respond to the release or threat of release?
- What are the consequences if no action or a delayed action is taken to address the release or threat of release?
- Does this release or threat of release present any unique issues requiring policy decisions, or set a precedent for DOE removal actions?
- Are there any technical documents or other background information that should be attached to the Action Memorandum?
- Have all the appropriate signatures been obtained to document approval/denial of the removal action?

The following flowchart guides you through the process of preparing an Action Memorandum. An outline and model Action Memorandum is provided in Appendix B of this guidance. Appendix B also contains detailed examples of the type of information that should be included to document DOE's removal action decision.

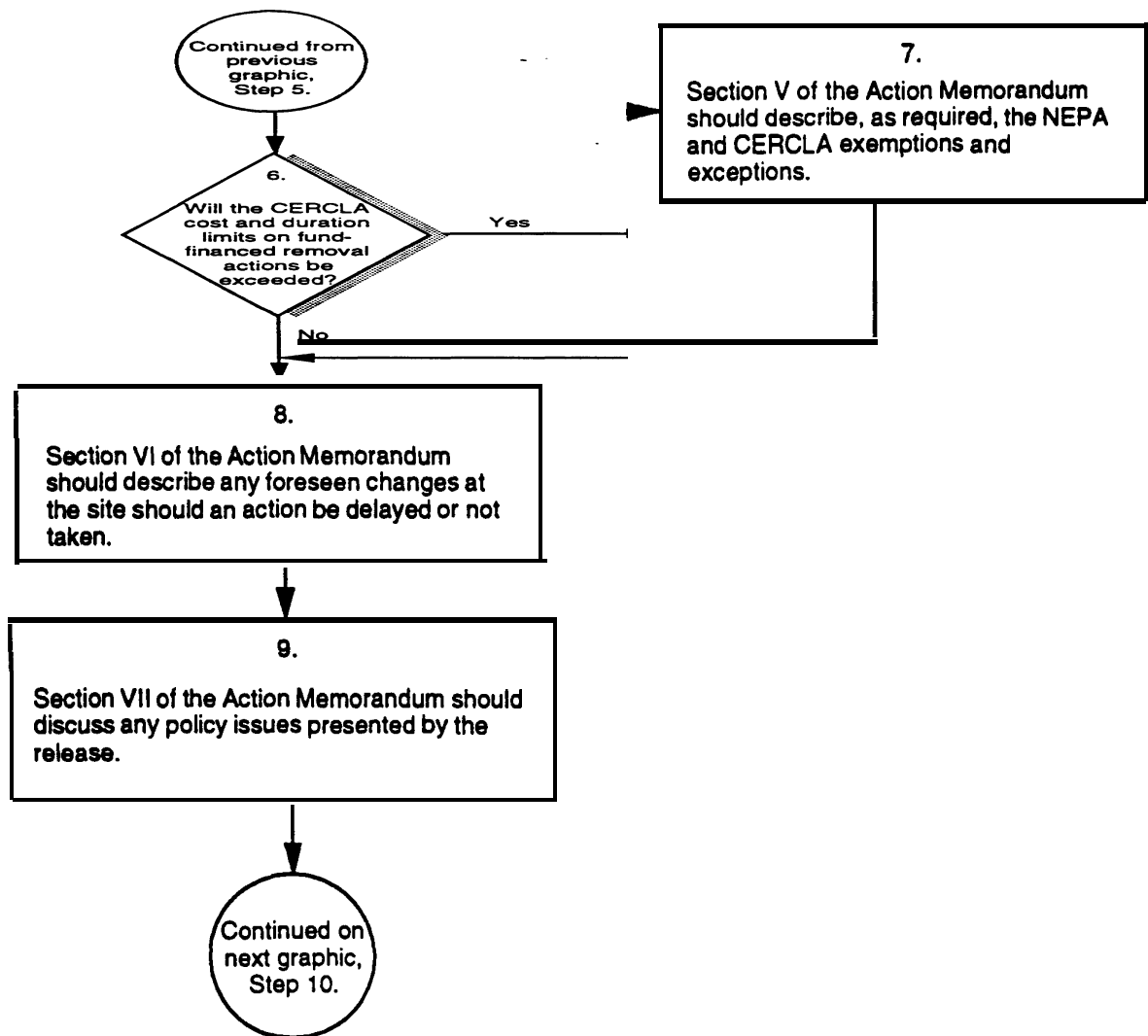
Figure 4.4(1)
Action Memorandum Requirements



4.4.3 Action Memorandum Requirements

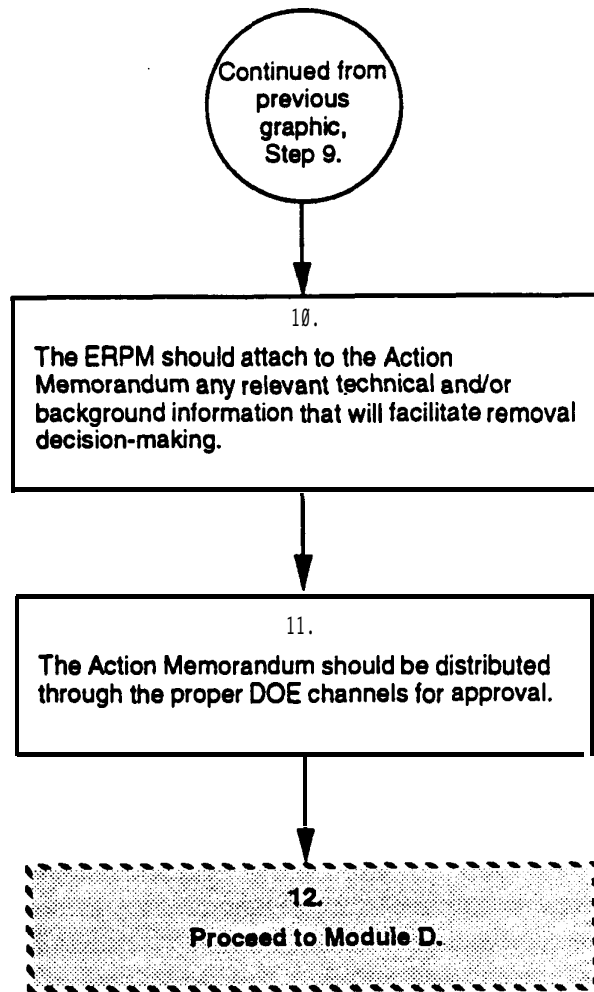
- Step 1** The ERPM may develop an Action Memorandum to document the need for and scope of a removal action, as well as the specific activities that will be completed for the removal action. The Action Memorandum may be a critical component of the Administrative Record file since it serves as the primary decision document for the removal response (see Module D). Therefore, it generally should be completed and receive appropriate approvals before **the removal action begins. In emergency situations, the removal action should begin as soon as possible to control the immediate threat without a fully executed Action Memorandum in place.** The Action Memorandum, however, should be prepared as soon as possible after the emergency has been addressed.
- Step 2** The ERPM should develop a statement describing the purpose of the Action Memorandum, the facility name and location of the release or threat of release, the lead person for the removal action, and any nationally significant or precedent-setting issues associated with the planned response (e.g., impacts on national historic preservation lands).
- Step 3** The ERPM should describe the release conditions and background, including results of the RSE such as types of contaminants, quantities, and concentrations. This section should also outline any previous response actions and the involvement of state and local authorities to date.
- Step 4** The ERPM should explain how the release or threat of release meets the requirements for initiating a removal action under CERCLA section 104(a) and NCP section **300.415(b)(2)**. In developing this section, the ERPM should discuss only those threats that will be addressed by the removal action, beginning with the most serious, and relate the discussion to appropriate statutory and regulatory citations.
- Step 5** The ERPM should explain the proposed and alternative removal actions, estimated costs for both proposed and alternative actions, and the anticipated project schedule. This section also should state how the individual actions address the threats, and explain why alternatives were not selected.

Figure 4.4(2)
Action Memorandum Requirements



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- Step 6** Because Superfund Trust Fund monies are not used to finance DOE removal actions, DOE is not required to adhere to the **\$2-million/1-year** statutory limits on removal actions. DOE, however, may use these limits to discuss removal action budgets during site-specific negotiations with regulators. DOE encourages the use of the Superfund Accelerated Cleanup Model (SACM) and decisionmaking flexibility in addressing immediate threats through short-term actions.
- Step 7** The ERPM should describe any exemptions, exclusions, or exceptions to CERCLA. DOE's *Secretarial Policy on the National Environmental Policy Act (NEPA)* (June 1994) states that DOE will rely on the CERCLA process for review of actions to be taken under CERCLA and will **address** NEPA values and public involvement procedures as part of the CERCLA process. Since DOE does not use CERCLA funds to conduct removal actions, DOE removal actions are exempt from the CERCLA statutory limits on removal actions. If, however, CERCLA removal action limits are agreed upon during site-specific negotiations, DOE may seek exemptions to these limits, as necessary. Section **104(c)** outlines two exemptions to the CERCLA limits on removal actions. These exemptions are the emergency exemption and consistency exemption. The emergency exemption may be used if an immediate threat to public health or welfare or the environment exists and continued response actions are immediately required to prevent, limit, or mitigate an emergency and assistance will not otherwise be provided on a timely basis. The consistency exemption may be used if continued response actions are otherwise appropriate and consistent with remedial actions to be taken. The ERPM should determine if there are other limits to removal actions based on an applicable FFA or IAG.
- step 8** The ERPM should describe any expected changes in the situation should action be delayed or not taken. Expected changes may include changes in the scope or nature of the contamination, increased threats, or the need for additional response actions. Section VI should include a summary of the worst-case scenario should action be delayed or not taken.
- Step 9** In some cases, a removal action may present policy or precedent-setting issues that need to be addressed. Such issues include joint federal/state jurisdiction or exceptions to the limitations on **response** described in CERCLA section 104(a)(3). If there **are** any nationally significant or precedent-setting issues associated with the response, they should be described in Section VII of the Action Memorandum. In addition, the ERPM should prepare a special attachment to the Action Memorandum that describes the issues, why they are nationally significant or precedent-setting, and the need to conduct a removal action despite the unresolved policy issues.

Figure 4.4(3)
Action Memorandum Requirements



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- Step 10** Since the Action Memorandum documents the removal action decision-making, it is important that all relevant technical and background data be available to the decision-maker when reviewing the merits of the removal action request. Attachments to the Action Memorandum should include all documents referred to in the body of the Action Memorandum, including maps and diagrams of the site, previous Action Memoranda for the site, removal site evaluation documentation, first responder reports, and sampling and analysis results. The **ERPM** should use best professional judgment in determining the types and the appropriate extent of backup documentation.
- Step 11** Appropriate DOE officials will assess the rationale for selecting the removal action and its technical feasibility, and will determine if funds are available.
- Step 12** Once the Action Memorandum has been signed thereby approving the removal action, the ERPM should begin on-site mobilization procedures. An important component of all removal actions is to ensure the community affected by the site is kept informed and has adequate opportunity to express concerns and ask questions regarding technical progress. The ERPM should refer to Module D in developing a community relations plan for the removal action.

4.5 Module D: Community Relations and Administrative Record Requirements for Emergency Removal Actions

NOTE: ERPMS should use this module in conjunction with DOE Publication DOE/EH-0221, "Public Participation in Environmental Restoration Activities," November 1991 and EPA Publication No. 9360.3-05, "Public Participation Guidance for On-Scene Coordinators: Community Relations and the Administrative Record," July 1992.

4.5.1 Introduction Section 113(k)(2) of CERCLA provides for the involvement of communities affected by response decisions. The overall objectives of public participation are to: (1) inform the public of the degree and type of risks associated with the site, planned or ongoing actions, and other issues; (2) provide the public with an opportunity to comment on decisions about the site; and (3) identify and respond to community concerns.

Since emergency removal actions generally proceed quickly, there is often little time to plan or conduct public participation activities. However, sections 300.415(m) and 300.820 of the NCP specify requirements for two forms of public participation for all removal actions: (1) community relations activities designed to integrate the specific information needs of the community into the design of a communications approach for the site, and (2) Administrative Record file activities designed to serve as the basis for the response selection. In addition to these NCP requirements, DOE has developed site-wide and program-specific public participation plans at many facilities. These plans may serve as the foundation for removal **action-specific** community relations plans.

Because public participation **requirements** are site-specific and vary with the urgency of the removal action, public outreach efforts must be tailored to address the distinct needs of the community as well as the technical removal action schedule. Administrative Record **file** requirements are based on the length of the planning period available prior to initiating on-site activities. **ERPMS** should use this guidance to determine the timing and types of community relations and Administrative Record file activities that should be undertaken for emergency removal actions.

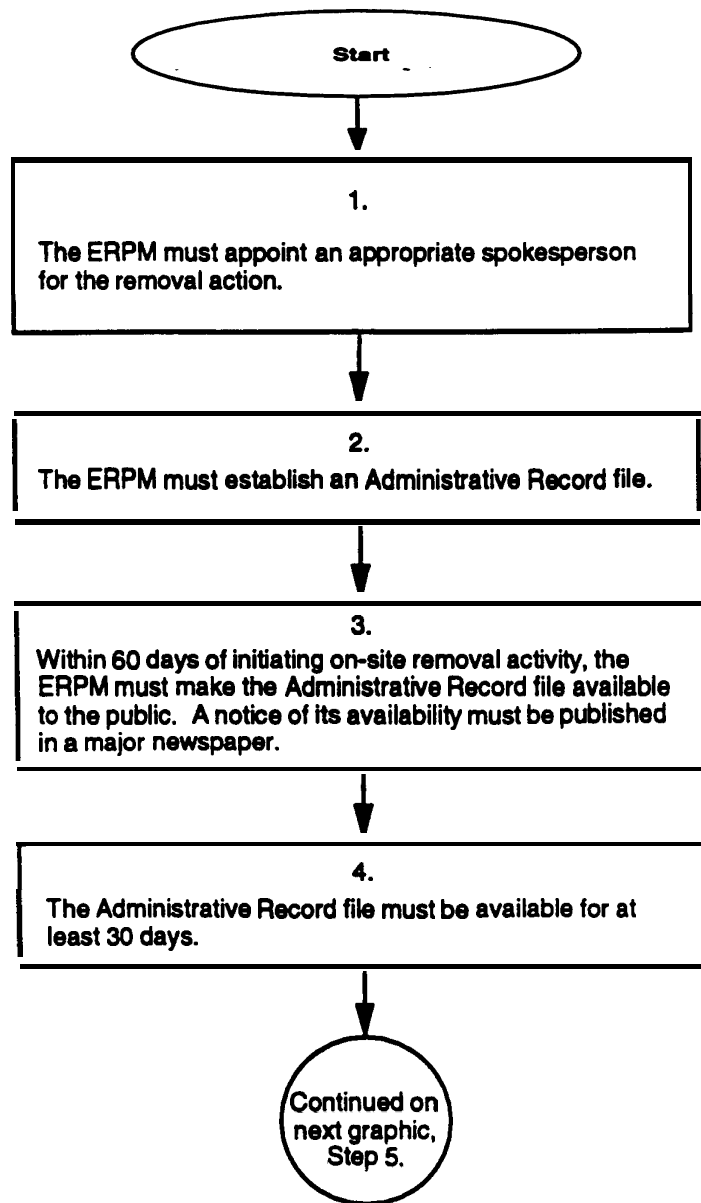
**4.5.2
Milestones**

In developing a public outreach program and the Administrative Record for emergency removal actions, the ERPM should ask the following questions:

- **Has a DOE spokesperson for the removal action been designated?**
- **Has the Administrative Record for the removal action been established and made available to the public?**
- **Will removal action on-site activity extend beyond 120 days?**
- **Are community interviews required for the removal action?**
- **Is a Community Relations Plan (CRP) required for the removal action?**
- **Has a local information repository, such as at the local library, been established for the removal action and been made available to the public?**
- **Are additional community relations activities beyond those required by the NCP appropriate for the removal action?**

The following flowchart guides you through the process of developing a community relations program and Administrative Record for emergency removal actions.

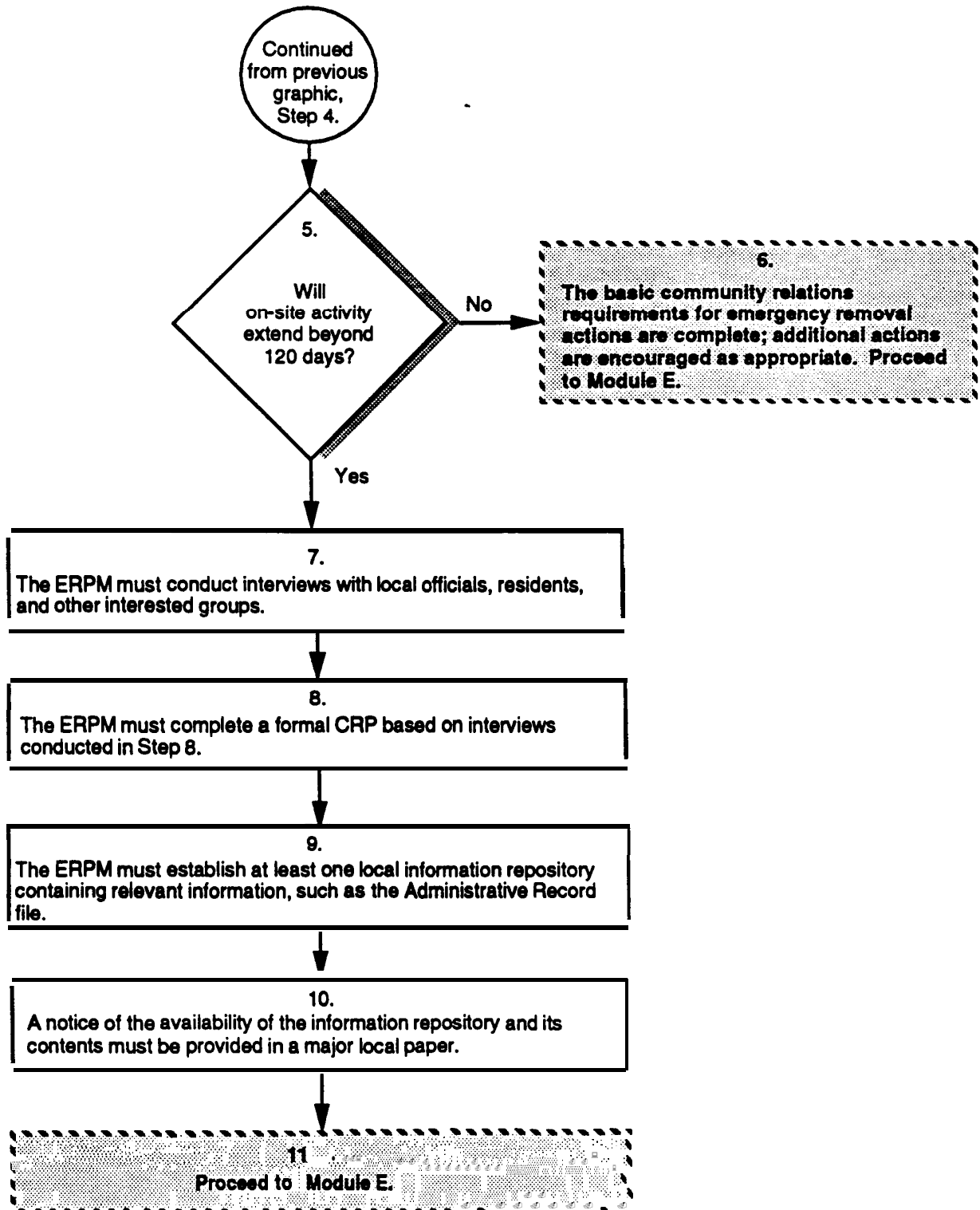
Figure 4.5(1)
Community Relations and Administrative Record Requirements
for Emergency Removal Actions



4.5.3 Community Relations and Administrative Record Requirements for Emergency Removal Actions

- Step 1** The NCP requires that a spokesperson be designated for removal actions. In many cases, the ERPM or Environmental Restoration Public Participation Coordinator would be an appropriate spokesperson. The spokesperson **informs** the community of actions taken, responds to inquiries, and provides information. The spokesperson must notify affected citizens, state and local officials, other federal agencies, and, when appropriate, civil defense or emergency management agencies. The spokesperson also reviews and coordinates any news releases or statements made regarding the emergency removal action.
- Step 2** The ERPM is responsible for compiling and maintaining the Administrative Record. An Administrative Record file is the ongoing collection of documents that DOE anticipates will constitute the Administrative Record when a response decision is made. The Administrative Record file contains **information** and any analyses that form the basis for the removal action selection. Examples of documents that may be part of the Administrative Record include removal site evaluation reports, sampling plans and results, and Action Memoranda.
- Step 3** NCP requirements for the timing of the availability and location of the Administrative Record file depend on the urgency of the situation. For emergency removal actions, the Administrative Record file must be made available for public inspection no later than 60 days after initiating on-site removal action activity. For emergency removal actions lasting less than 30 days, the record file only has to be placed at one central location. Where removal action activity is expected to extend beyond 30 days, the ERPM must make the file available in a central location and at the site of the removal action. For emergency removal actions, the public notice announcing the availability of the Administrative Record file must appear when the record file is made available for public inspection.
- Step 4** Section 300.820(b)(2) of the NCP requires that the Administrative Record file be available for public inspection and comment for at least 30 days from the time the file is made available.

Figure 4.5(2)
Community Relations and Administrative Record Requirements
for Emergency Removal Actions



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- Step 5** Steps 1-4 above are required community relations and Administrative Record **file** activities for all removal actions. In emergency removal action situations, there likely will not be adequate time to conduct more than the required activities. For removal actions that will extend beyond 120 days, NCP section **300.415(m)(3)** outlines additional community involvement requirements and suggested activities.
- Step 6** If the emergency removal action **will** not extend beyond 120 days, then the ERPM has **fulfilled** all community relations and Administrative Record file requirements after completing Steps 1-4. The ERPM, however, is encouraged to conduct whatever public participation activities that are necessary to keep the removal action community informed. Proceed to Module E to implement an emergency removal action.
- Step 7** The ERPM conducts interviews to solicit information about community concerns, information needs, and how or when citizens would like to be involved in the removal action process. Potential interviewees include local officials, community residents, public interest groups, and other interested or affected parties.
- Step 8** A CRP outlines the community relations techniques and approaches that will be used for a specific removal action. The ERPM should ensure that the CRP includes the following information: (1) removal action description, (2) community background, (3) community relations activities and timing, (4) contact list of key community leaders and interested parties, and (5) locations of information repositories.
- Step 9** An **information** repository contains documents that describe the removal action location and activities, as well as basic CERCLA program policies and procedures. An information repository must include a copy of the Administrative Record file. Other useful documents may include copies of CERCLA, the Resource Conservation and Recovery Act (RCRA), and the NCP; brochures, fact sheets, and other general information on the CERCLA program or the specific removal action site; and copies of site-specific press releases or newspaper clippings.
- Step 10** The public notice announcing the availability of the information repository may be combined with the notice announcing the availability of the Administrative Record file (see Step 3).
- Step 11** Proceed to Module E to implement an emergency removal action.

4.6 Module E: Emergency Removal Action Implementation

4.6.1 Introduction

The ERPM manages all removal actions, directs response activities, and coordinates all other activities at the scene of a release or threat of release. In this effort, the ERPM directs and reviews the work of DOE personnel; other agencies, such as **DOI**, if applicable; responsible parties; and contractors to ensure compliance with CERCLA and the NCP; and reviews all decision documents and plans applicable to the response. The ERPM also ensures that staff working on-site are adequately trained and knowledgeable of site operating and safety guidance.

Since removal actions vary according to their urgency, the ERPM can manage a wide range of technical activities under removal authority. Section **300.415(d)** of the NCP outlines possible responses to a variety of release situations. This module provides guidance on relevant requirements and procedures for the ERPM during the implementation of emergency removal actions. *This module **does not** provide guidance on the engineering and design specifications for emergency response activities.*

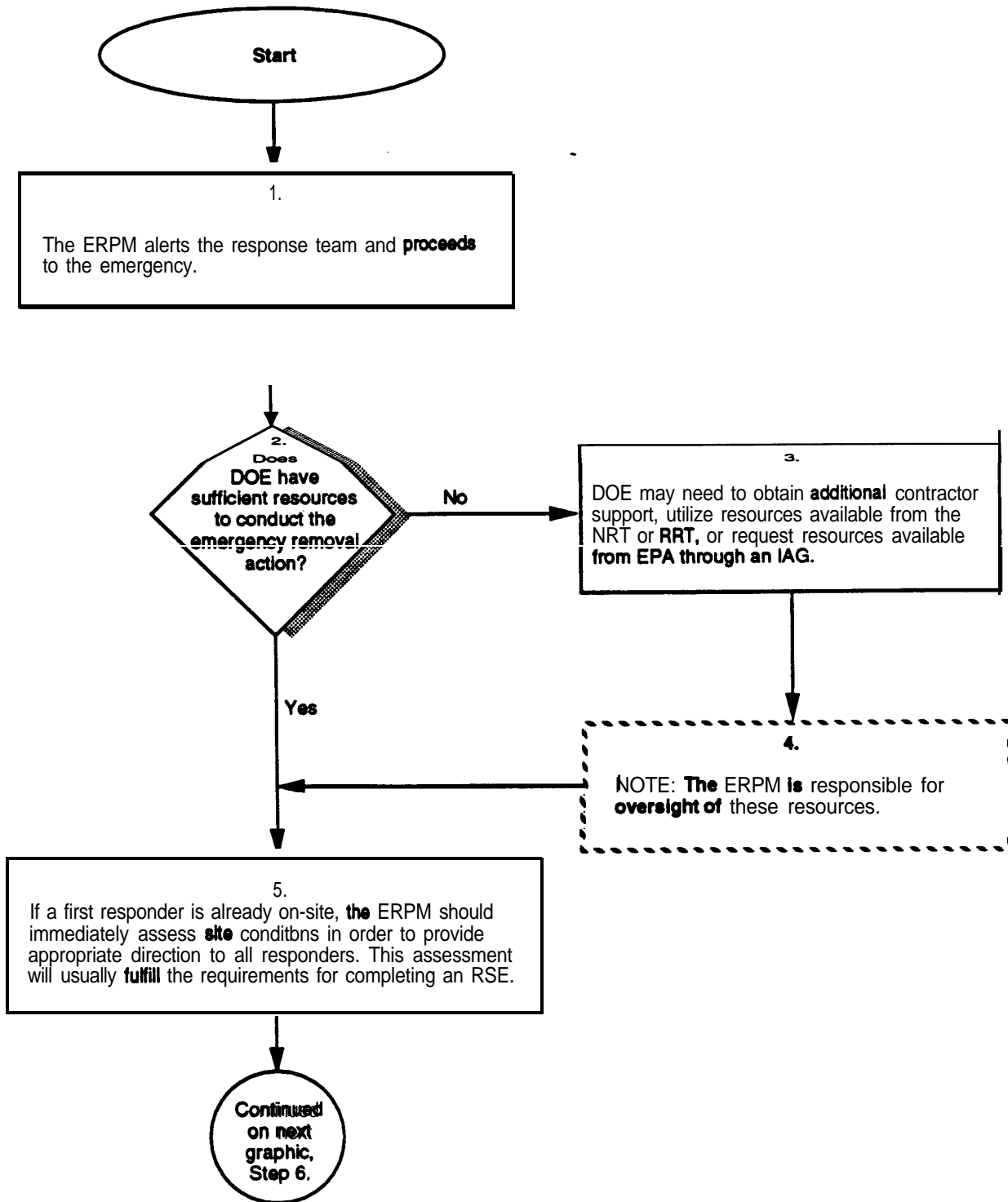
4.6.2 Milestones

In implementing emergency removal actions, the ERPM should ask the following questions:

- Is a first responder already addressing the emergency situation?
- Does DOE have sufficient resources to conduct the emergency removal action?
- Has an RSE been completed by DOE and the results communicated in a POLREP?
- Has a site-specific health and safety plan (HASP) been prepared and have health and safety requirements been communicated to the response team?
- Are emergency removal action activities consistent with all local/facility contingency plans?
- Is evacuation of facility personnel and/or the site community required?
- Are community relations implementation activities being conducted?
- Have other federal and state responders or technical assistance units been notified?
- Have progress and special POLREPs been prepared?
- Have emergency removal action wastes been disposed of properly?
- Has an Action Memorandum for the emergency removal action been prepared?
- Has an emergency removal action Final Report been prepared?
- Is the emergency removal action complete?
- Is further response action necessary at the site?

The following flowchart guides you through the process of implementing the regulatory guidance on emergency removal actions.

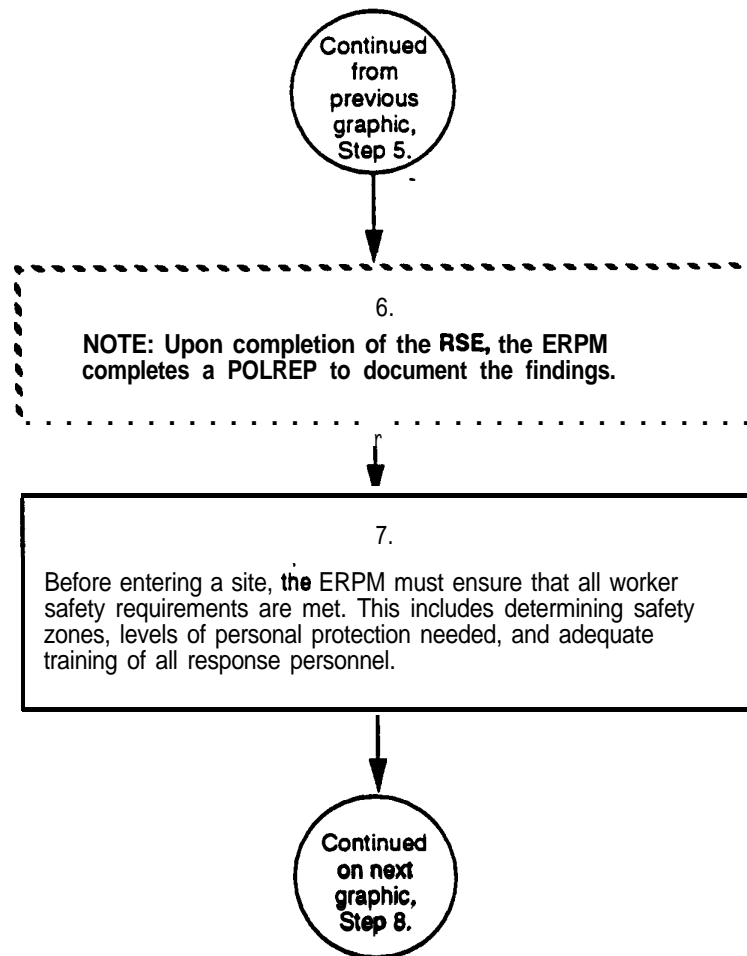
Figure 4.6(1)
Emergency Removal Action Implementation



4.6.3 Emergency Removal Action Implementation

- Step 1** Upon learning that an emergency situation exists, the ERPM mobilizes a response team and proceeds to the on-site location of the release or threat of release. At this point, local first responders may already be on site mitigating the immediate threats. In some situations, the ERPM may be the first on-site official and should initiate the first response activities to protect public health and the environment.
- Step 2** A variety of resources can provide technical assistance to the ERPM in carrying out an emergency removal action. These include national, regional, and specialized teams; contractors; other federal agencies; and state and local governments. The ERPM should access any available resources necessary to ensure timely and effective response to site conditions.
- Step 3** Section 300.145 of the NCP describes the special teams and other assistance available to the ERPM. The ERPM should refer to Chapter 4, Module B for more information on contacting other federal agencies for support. The NRT and RRT can coordinate the availability of response resources for the ERPM.
- Step 4** The ERPM has complete responsibility for directing response operations during a CERCLA emergency response action at a DOE facility. Therefore, the ERPM must ensure that **all** response personnel comply with CERCLA; the NCP; and DOE Orders, policies and procedures, as well as ensure that all expenditures of funds are appropriate and reasonable.
- Step 5** In some situations, the ERPM may not be the first official on-site. A fire department, hazardous materials (**HAZMAT**) unit, and/or local police (security) representative may already be addressing the emergency. In these cases, the ERPM should quickly interview first responders to assess the threats and mitigative actions taken as part of the removal site evaluation. These interviews and assessments of the situation may fulfill the requirements for conducting an RSE (see Module A).

Figure 4.6(2)
Emergency Removal Action Implementation

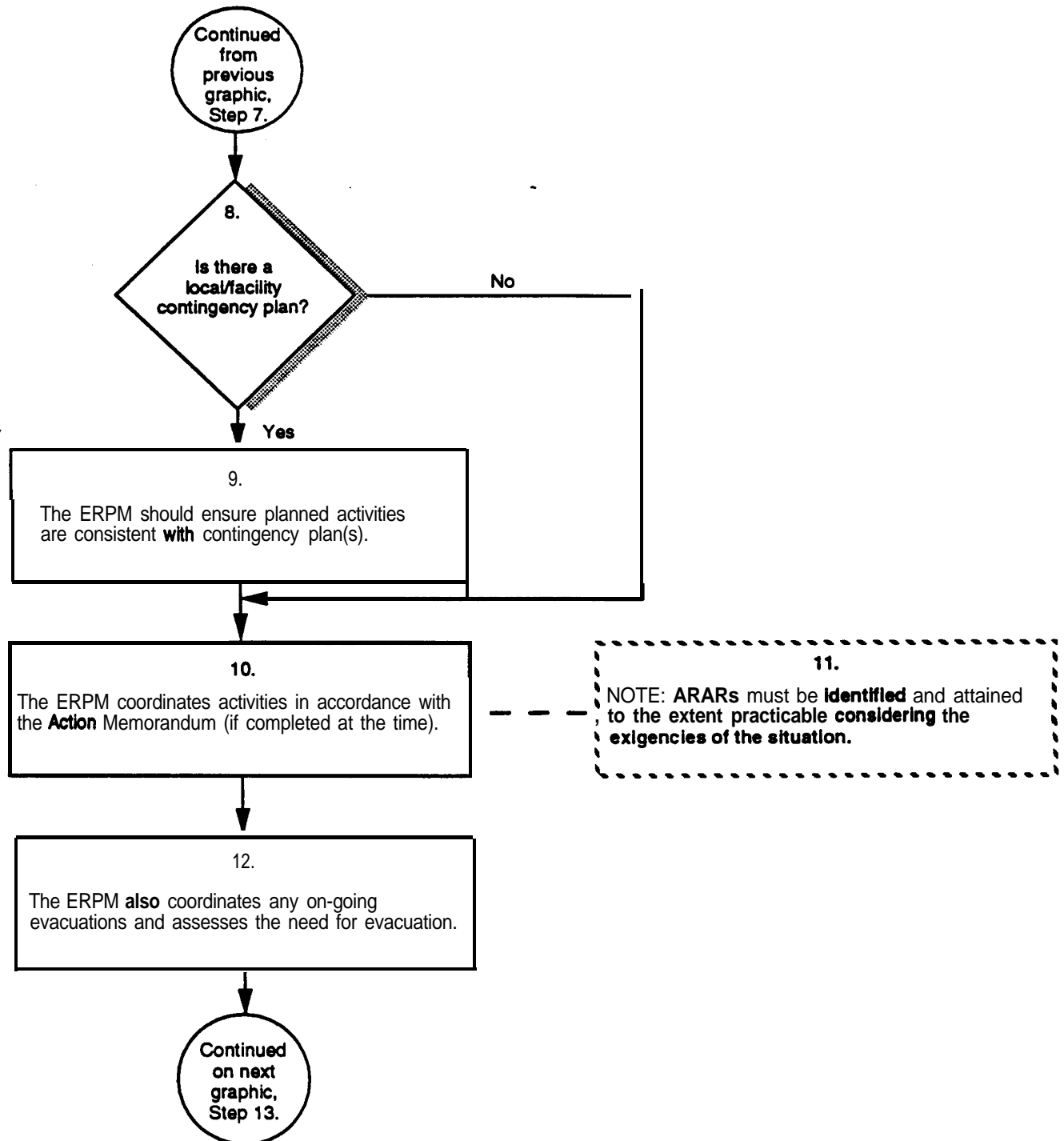


Step 6 As described in Module B, **POLREPs** document activities concerning removal actions under CERCLA, oil spill responses under the Oil Pollution Act of 1990, and underground storage tank removal actions under RCRA Subtitle I. The principle function of a POLREP is to inform DOE Headquarters and field office management, the NRT, the RRT, and the natural resource trustees of removal action developments. The initial POLREP for a release or threat of release usually summarizes the results of the RSE.

Step 7 Pursuant to section 126 of CERCLA and section 300.150 of the NCP, removal actions are subject to applicable federal, state, and local occupational safety and health laws. OSHA has established regulations governing the health and safety of employees engaged in hazardous waste operations and emergency response (HAZWOPER). HAZWOPER regulations (found in 29 CFR 1910.120) contain general requirements for health and safety programs, site characterization and analysis, site control, training, medical surveillance, engineering controls and work practices, personal protective equipment, exposure monitoring, informational programs, material handling, decontamination, and emergency procedures. Specifically, HAZWOPER regulations require that any employer whose workers engage in hazardous waste operations develop both a comprehensive work plan and a HASP.

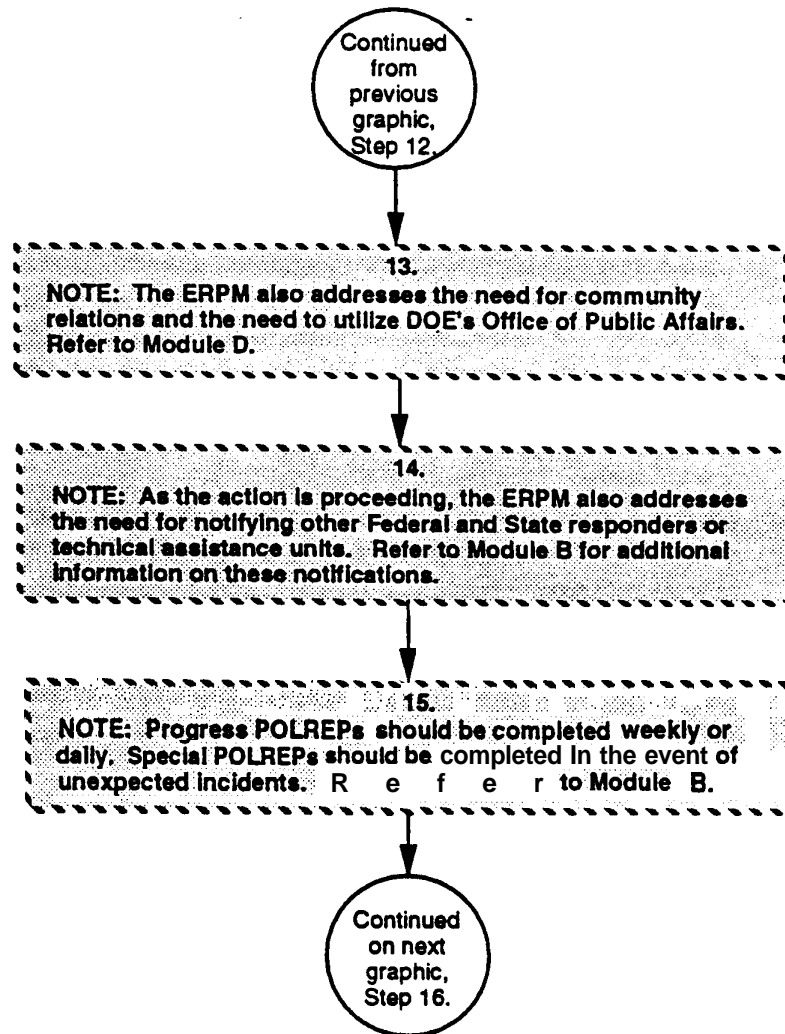
The ERPM is responsible for ensuring that workers and visitors are apprised of on-site hazards and the provisions of the HASP. This responsibility also may be included as part of site-specific contracts. Because the ERPM is responsible for ensuring adherence to applicable DOE and site health and safety requirements, the ERPM should be aware of on-site health and safety activities and should oversee on-site contractor health and safety efforts.

Figure 4.6(3)
Emergency Removal Action Implementation



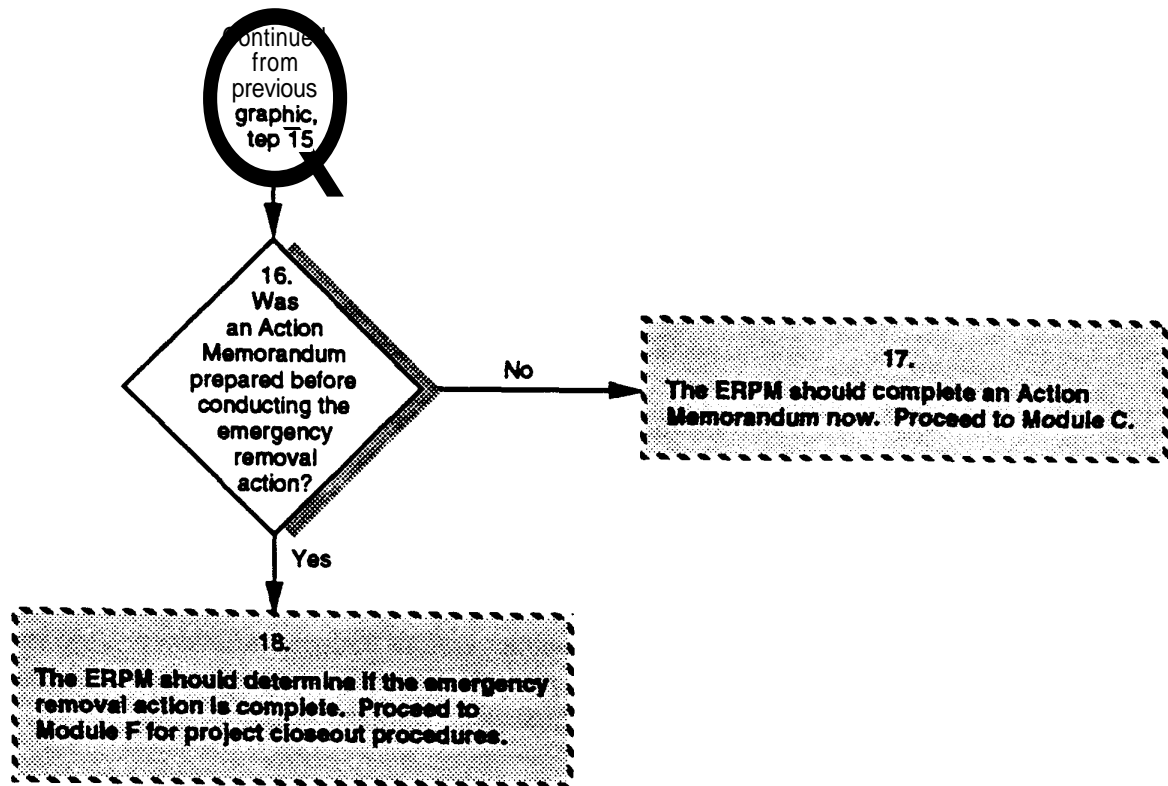
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- Step 8** The DOE Emergency Management System, described in the 5500 series of DOE Orders, requires that contingency plans be developed before an emergency exists to ensure effective response activity. These plans should list the procedures and identify the personnel and resources necessary to respond to emergencies. Section 300.135(i) of the NCP and EPCRA also require preparation of certain local contingency plans. The ERPM should determine if these plans exist and the specific requirements of each plan.
- Step 9** Actions taken to prevent, **abate**, or mitigate a release should be consistent with any facility contingency plans. These plans can assist the ERPM with determining personnel, **resources**, and procedures available to respond to a release.
- Step 10** As described in Module C, the Action Memorandum documents the need for and scope of a removal action as well as the specific activities that will be completed for the removal action. **In emergency situations, a removal action may begin as soon as possible to control the immediate threat without a fully executed Action Memorandum in place.** In these situations, the ERPM should carefully document the activities conducted to abate the emergency for later inclusion in an Action Memorandum.
- Step 11** Section 300.415(i) of the NCP requires removal actions attain or exceed applicable or relevant and appropriate requirements (**ARARs**) to the maximum extent practicable considering the exigencies of the situation. **For emergency removal actions, the ERPM should not delay response in order to identify potential ARARs.** Once immediate threats to human health and the environment have been averted or obviated, however, the ERPM should identify and consider ARARs for actions left to be performed such as permanent disposal of wastes.
- Step 12** In the event of a major disaster or an environmental or public health emergency, the ERPM, in coordination **with** federal, state, and local authorities such as **FEMA**, may take immediate public safety measures to protect the health and welfare of local populations. Emergency evacuations usually are of a short duration (several hours to a few days) and continue until the immediate threat of exposure has subsided. Section 300.135(g) of the NCP requires the ERPM to notify FEMA immediately of situations potentially requiring evacuation, temporary housing, or permanent relocation. The ERPM also must evaluate incoming information and immediately advise **FEMA** of potential major disaster situations. State and local agencies have the authority to direct evacuations of local communities. DOE maintains the authority to order evacuations of facility personnel.

Figure 4.6(4)
Emergency Removal Action Implementation



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- Step 13** As described in Module **D**, since emergency removal actions generally proceed quickly, particularly in emergency situations, there is often little time to plan or conduct public participation activities. Community relations and Administrative Record file requirements for removal actions are described in Module **D**. The ERPM is encouraged to conduct whatever public participation activities that are necessary to keep the community informed of the removal action.
- Step 14** As outlined in Module **B**, there are numerous requirements for reporting and notifying various federal and state agencies of release discoveries and actions taken to abate releases. Most of these requirements **are** specified in NCP sections **300.115, 300.135**, and **40 CFR Parts 302, 304(a)** and **355**, and DOE Order **5000.3B**. The ERPM should refer to Module **B** in determining the appropriate notifications and reporting requirements.
- Step 15** POLREPs may be prepared when initiating and completing a removal action and regularly throughout the removal action. After an initial POLREP, progress POLREPs are prepared on an interim basis throughout the removal action to update DOE officials on ongoing removal activities. Special POLREPs are prepared when unanticipated developments occur that may impact the progress or focus of the removal action (e.g., flooding, accidents). Final POLREPs document that all response actions outlined in the Action Memorandum are complete. The ERPM should refer to Module **B** for more detail on removal action progress reporting.

Figure 4.6(5)
Emergency Removal Action Implementation



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- Step 16** In many emergency situations, on-site response activity must begin immediately to abate threats to public health and the environment. Therefore, an Action Memorandum is not always in place before mitigative actions begin.
- Step 17** If an Action Memorandum was not prepared before on-site activity began, the ERPM should complete one as soon as possible after the immediate threats have been abated. The-ERPM should refer to Module C when preparing the Action Memorandum.
- Step 10** Following control of the release, the ERPM should determine if the emergency removal action has completely addressed threats to public health, welfare, and the environment, and if no further response actions are necessary. This determination is based on achieving the removal action objectives as described in the Action Memorandum. The method for this determination may vary with the site and response activities. The determination may be based on completing all activities such as installing a fence, best professional judgment, or an agreement with EPA and state officials. Module F describes closeout procedures for emergency removal actions.

4.7 Module F: Emergency Removal Action Closeout

4.7.1 Introduction The ERPM ensures that the objectives of the removal action are met and that there is no further threat to public health, welfare, or the environment. If a threat continues, then the ERPM should continue the removal action or examine other actions that may be taken to prevent, abate, or mitigate the threat. After determining that the action is complete, the ERPM ensures that any post-removal site control (PRSC) activities are conducted and completes final reports indicating the site is complete.

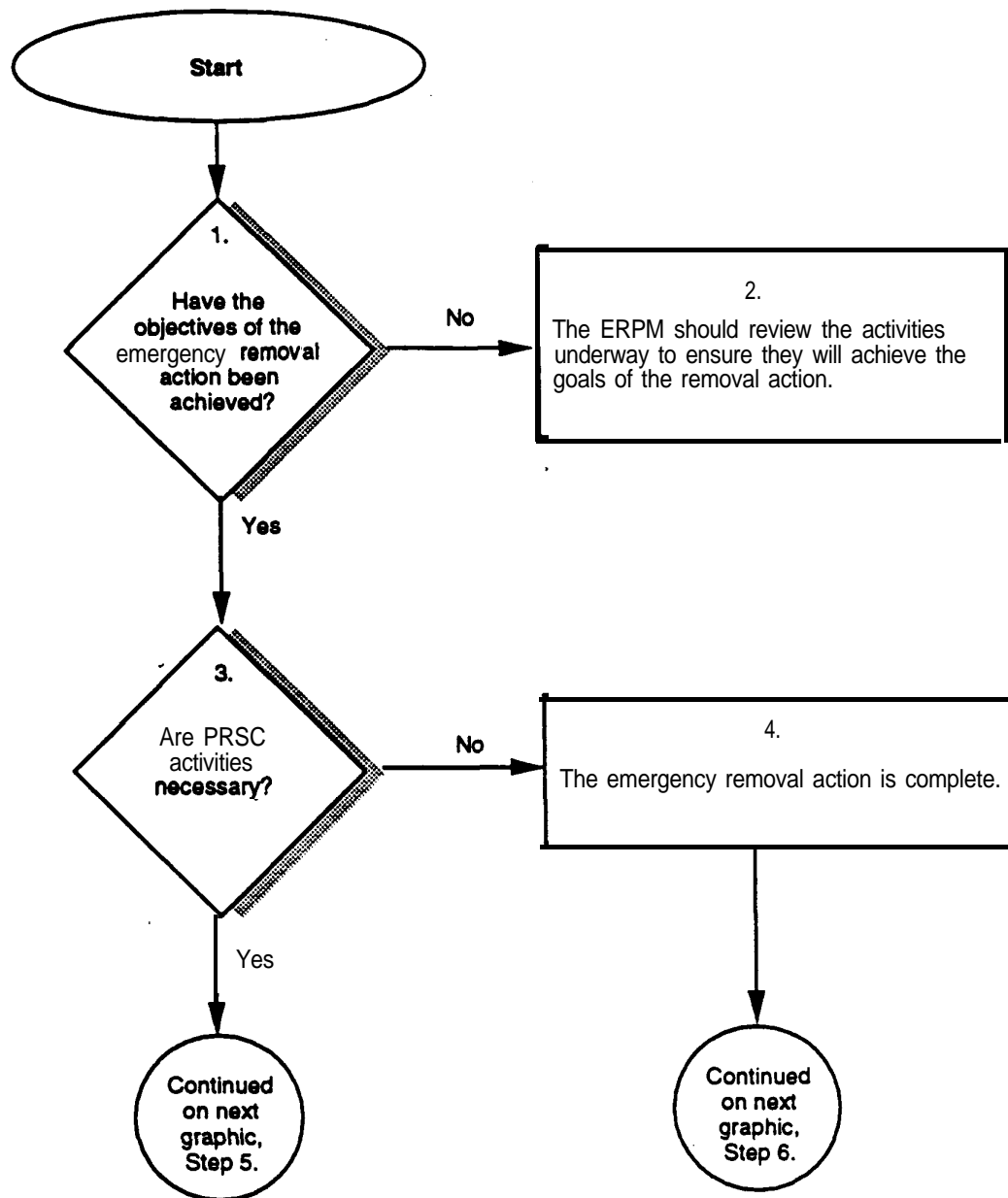
4.7.2 Milestones

In closing out an emergency removal action, the ERPM should ask the following questions:

- Have all removal action objectives been met, as outlined in the Action Memorandum?
- Are PRSC measures required to ensure the integrity of the emergency removal action?
- Are additional removal actions or remedial actions required to protect public health and the environment?

The following flowchart guides you through the process of closing out an emergency removal action.

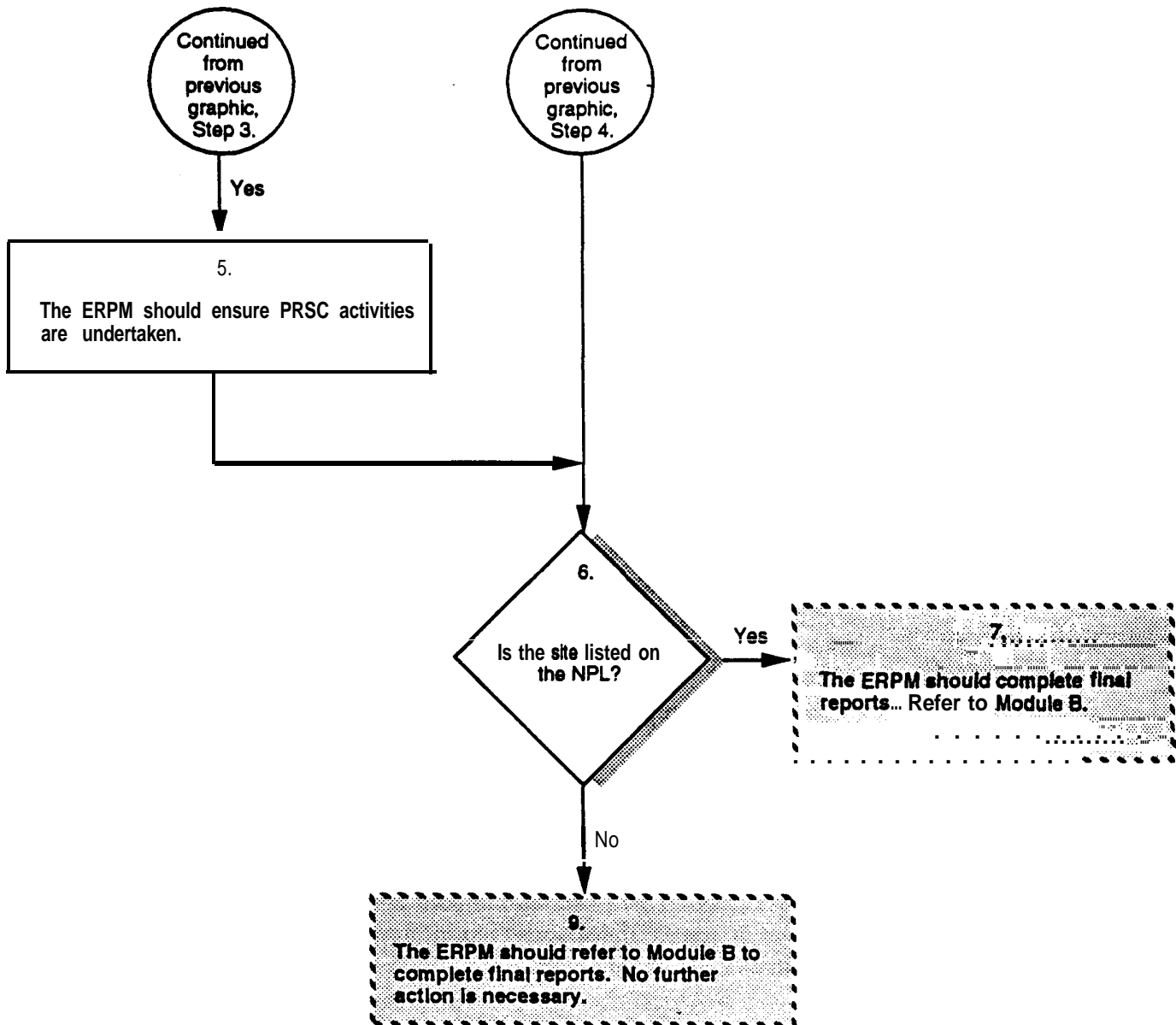
Figure 4.7(1)
Emergency Removal Action Closeout



4.7.3 Emergency Removal Action Closeout

- Step 1** At the conclusion of the emergency removal action, the ERPM should determine when the project is complete. The completion date signifies that all approved activities, as outlined in the Action Memorandum, have been completed and the removal action has abated or mitigated the threats that prompted the action.
- Step 2** The ERPM should review the measures being taken to ensure they are adequate to protect public health and the environment. Often during the course of an emergency removal action, site conditions change or additional information becomes available to characterize the threats. In these situations, the ERPM may **revise** the work plan for the emergency removal action and amend the Action Memorandum to reflect any changes in removal action objectives. In some cases, CERCLA removal action limits may be applied as a result of negotiations between DOE and the regulators. When the ERPM determines that an emergency removal action must exceed 12 months in duration or \$2 million in total project cost in order to meet removal action objectives, a revised Action Memorandum may be prepared requesting an exemption to these limits. In order to qualify for an exemption, the emergency removal action must meet one of the two CERCLA section **104(c)** exemptions: (1) emergency exemption, where there is an immediate risk to public health, welfare, or the environment and where continued response actions are immediately required to prevent, limit, or mitigate an emergency and other assistance will not be provided on a timely basis, or (2) consistency exemption, where continued response actions are otherwise appropriate and consistent with a remedial action that is to be taken. The ERPM should refer to Module C, Step 7 in determining the need for an exemption.
- Step 3** PRSC is those activities that are necessary to sustain the integrity of a removal action following its completion. PRSC activities (e.g., lighting gas flares, replacing filters, collecting leachate) may be necessary to ensure the continued effectiveness of a removal action. Institutional controls (e.g., land and resource restrictions, well-drilling prohibitions) also may be used to limit activities at or near facilities where hazardous substances, or pollutants or contaminants will remain **onsite**.
- Step 4** If PRSC is not required for the emergency removal action, the ERPM should consider the emergency removal action closed.

Figure 4.7(2)
Emergency Removal Action Closeout



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- Step 5** Section 300.415(k) of the NCP outlines the requirements for PRSC. While these requirements relate primarily to EPA-financed responses, the **ERPM** should follow similar procedures in accordance with any existing **FFAs** with EPA and the affected state. Because of the urgency of emergency removal actions, it often is not possible to anticipate PRSC requirements before initiating the response. Therefore, the ERPM ensures that appropriate arrangements are in place to perform and fund the PRSC activities as soon as PRSC requirements are **determined**. When PRSC measures support or are part of a planned remedial action at a site, the ERPM may assume responsibility for PRSC as part of the temporary source control measures that **are** considered part of the remedial action. The ERPM should always document PRSC responsibilities in any facility-specific response agreement.
- Step 6** **Certain** DOE facilities and sites have been placed on the National Priorities List (NPL) for long-term evaluation and response under CERCLA. Sites on the NPL follow specific procedures described in the NCP for investigation, selection of remedy, and response using CERCLA's remedial authority. Removal actions may be taken at NPL or non-NPL sites. Emergency removal actions taken at NPL sites usually address short-term needs for additional security such as fencing. However, they may be taken to address changing or unexpected site conditions that involve an imminent and substantial threat to public health, welfare, or the environment. For example, a removal action may be taken at an NPL site to control or abate a release source in order to mitigate continued migration of contamination that may endanger populations or impact natural resources. DOE's response action strategy includes achieving prompt risk reduction prior to a remedial response through removal actions. A major goal of DOE removal actions is to contribute to the efficiency of long-term cleanup.
- Step 7** Emergency removal actions may not remediate all of the contamination at an NPL site. In these cases, after the completion of the removal action, remedial efforts may continue. If an emergency removal action fully addresses all contamination at an NPL site, then the site may be **delisted** from the NPL if it meets the requirements in NCP section **300.425(e)**.
- Step 8** When an emergency removal action completely abates, prevents, or remediates a site, the ERPM should demobilize the contractor from the site (e.g., dismantle command post, remove response equipment). The ERPM also should complete any final reports as described in Module B. Regulatory agency concurrence may be required by **FFAs** or **IAGs** with EPA or the state. Following concurrence by appropriate regulatory agencies and DOE officials, the removal action is then considered complete and no further actions are required.

4.8 Summary Milestones for Chapter 4

		YES	NO	N/A
Module A	In determining whether an emergency situation exists, the ERPM should ask the following questions:			
	Does the initial key information gathered about the release indicate an immediate threat exists?			
	If not, does the removal PA indicate an emergency exists?			
	If not, should a removal SI be conducted to clarify the threats?			
Module B	To ensure that all required reports and notifications are made regarding a release, the ERPM should ask the following questions:			
	Is local first responder assistance required?			
	Should state officials be contacted?			
	Has a hazardous substance RQ or EHS threshold planning quantity been exceeded?			
	Should the National Response Center be notified?			
	Has the release categorization under DOE Order 5000.3B been reported?			
	Does the incident involve a major release, multi-state region, or other significant issue?			
	Has a Final Report been prepared and submitted to the RRT ?			
	Does the release involve CERCLA hazardous substances or EPCRA extremely hazardous substances?			

	YES	NO	N/A
Does the release involve radioactive substances?	_____		
Is evacuation and/or relocation required?	_____		
Does the release present a potential public health emergency?	_____		
Is there a threat to natural resources?	_____		
Are endangered species or habitats threatened?	_____		
Are there specific reporting requirements in applicable facility-specific agreements?	_____		
Have initial, progress, and final pollution reports been completed?	_____		
Module C			
When completing an Action Memorandum, the ERPM should ask the following questions:			
What is the purpose of the removal action and its location?	_____		
What are the contaminants, concentrations, pathways of migration, and other details that characterize the release or threat of release ?	_____		
What are the threats to public health and the environment posed by the release or threat of release?	_____		
What removal actions are planned to respond to the release or threat of release?	_____	_____	
What are the consequences if no action or a delayed action is taken to address the release or threat of release?	_____	_____	
Does this release or threat of release present any unique issues requiring policy decisions, or set a precedent for DOE removal actions?	_____	_____	

		YES	NO	N/A
	Are there any technical documents or other background information that should be attached to the Action Memorandum?	_____	_____	_____
	Have all the appropriate signatures been obtained to document approval/denial of the removal action?	_____	_____	_____
Module D	In developing a public outreach program and the Administrative Record for emergency removal actions, the ERPM should ask the following questions:			
	Has a DOE spokesperson for the removal action been designated?	_____	_____	_____
	Has the Administrative Record for the removal action been established and made available to the public?	_____	_____	_____
	Will removal action on-site activity extend beyond 120 days?	_____	_____	_____
	Are community interviews required for the removal action?	_____	_____	_____
	Is a Community Relations Plan (CRP) required for the removal action?	_____	_____	_____
	Has a local information repository, such as the local library, been established for the removal action and been made available to the public?	_____	_____	_____
	Are additional community relations activities beyond those required by the NCP appropriate for the removal action?	_____	_____	_____
Module E	In implementing emergency removal actions, the ERPM should ask the following questions:			
	Is a first responder already addressing the emergency situation?	_____	_____	_____

	YES	NO	N/A
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Does DOE have sufficient resources to conduct the emergency removal action?

Has an RSE been completed by DOE and the results communicated in a POLREP?

Has a site-specific **health** and safety plan (HASP) been prepared and have health and safety requirements been communicated to the response **team**?

Are emergency removal action activities consistent with all local/facility contingency plans?

Is evacuation of facility personnel and/or the site community required?

Are community relations implementation activities being conducted?

Have other federal and state responders or technical assistance units been notified?

Have progress and emergency **POLREPs** been prepared?

Have emergency removal action wastes been disposed of properly?

Has an Action Memorandum for the emergency removal action been prepared?

Has the emergency removal action **Final** Report been prepared?

Is the emergency removal action complete?

Is further response action necessary at the site?

		YES	NO	N/A
Module F	In closing out an emergency removal action, the ERPM should ask the following questions:	<hr/>		
	Have all removal action objectives been met, as outlined in the Action Memorandum?	<hr/>		
	Are PRSC measures required to ensure the integrity of the emergency removal action?	<hr/>		
	Are additional removal actions or remedial actions required to protect public health and the environment?	<hr/>		

4.9 Sample Scenarios

This chapter identified the procedures for evaluating and responding to a release or threat of release of hazardous substances, or pollutants or contaminants in an emergency situation. The following five scenarios provide examples of specific situations that may arise during an emergency removal action.

- Scenario 1:** The ERPM was notified of an ongoing release resulting in a large fire. After arriving on-scene, the ERPM immediately began working with DOE and local **officials** to contain the fire and cool several aboveground tanks filled with flammable liquids. The ERPM ensured that a **knowledgeable** person informed the appropriate DOE **officials** and reviewed the site facility compliance agreement. Based on this review, the State Department of Natural Resources was notified. Following control of the fire, the ERPM completed an Action Memorandum.
- Scenario 2:** In response to an overturned truck carrying sulfuric acid, an emergency removal action was initiated. As part of this action, the ERPM evaluated the required public involvement procedures. The removal action was completed in one day and key information such as the Action Memorandum was placed in the Administrative Record at the DOE facility reading room. However, due to the level of concern of the local community regarding the accident, the ERPM issued a one-page fact sheet describing the threats and response action results.
- Scenario 3:** Five underground storage tanks **were** found to be leaking. The ERPM was notified. The ERPM determined that samples of the tanks needed to be taken and safety zones and sampling procedures established. Analysis of the samples revealed that the tanks were leaking heptachlor into a nearby stream that leaves the DOE facility. The ERPM immediately notified the National Response Center, state, and cognizant Natural Resource Trustees because of concern regarding potential damages to natural **resources**. The ERPM then planned and conducted an emergency removal action to empty the tanks and excavate contaminated soil.
- Scenario 4:** During efforts to remediate an NPL site, cleanup personnel discovered 2,300 rusting barrels containing unknown liquids. Sampling analysis results of the barrels' contents determined that they contained highly toxic contaminants. The barrels presented an immediate risk to site personnel and halted further remediation efforts. The ERPM determined the need to excavate the barrels immediately and treat their contents with the same process being used for the remedial action. The cost of the removal exceeded \$2 million, but was consistent with the remedial action to be taken at the site.

4.10 References

1. Code of Federal Regulations, Title 10, Part 1021, National Environmental Policy Act; Implementing Procedures and Guidelines Revocation.
2. Code of Federal Regulations, Title 29, Part 1910, Occupational Safety and Health Standards.
3. Code of Federal Regulations, Title 40, Part 300, National Oil and Hazardous Substances Pollution Contingency Plan (NCP).
4. Code of Federal Regulations, Title 40, Part 302, Designation, Reportable Quantities, and Notification.
5. Code of Federal Regulations, Title 40, Part 311, Worker Protection.
6. Code of Federal Regulations, Title 40, Part 355, Emergency Planning and Notification.
7. Code of Federal Regulations, Title 40, Part 440, Procedures for Planning and Implementing Off-site Response Actions, 1993.
8. 15 U.S.C. §2601 *et. seq.* The Toxic Substances Control Act (TSCA).
9. 33 U.S.C. §1251 *et. seq.* The Federal Water Pollution Control Act (FWPCA) as amended by the Clean Water Act of 1977 (CWA).
10. 33 U.S.C. §2701 *et. seq.* The Oil Pollution Act of 1990 (OPA).
11. 42 U.S.C. §2011 *et. seq.* The Atomic Energy Act of 1954 (AEA).
12. 42 U.S.C. §6901 *et. seq.* The Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments (HSWA).
13. 42 U.S.C. §7901 *et. seq.* The Uranium Mill Tailings Radioactive Control Act of 1978 (UMTRCA).
14. 42 U.S.C. §9601 *et. seq.* The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA).
15. 42 U.S.C. §11001 *et. seq.* The Emergency Planning and Community Right-to-Know Act (EPCRA).
16. 55 FR 51587, Hazard Ranking System: Final Rule, Appendix A, December 14, 1990.
17. U.S. EPA. Community Relations in Superfund: A Handbook (OSWER Publication No. 9230.0-03C). Washington, DC: U.S. EPA, January 1992.
18. U.S. EPA. Superfund Responsiveness Summaries (Superfund Management Review: Recommendation No. 43.E) (OSWER Publication No. 9230.0-06). Washington, DC: U.S. EPA, June 4, 1990.
19. U.S. EPA. Planning for Sufficient Community Relations (OSWER Publication No. 9230.0-08). Washington, DC: U.S. EPA, March 7, 1990.

-
20. U.S. EPA. Superfund Community Relations Program: A Guide to Effective Presentations With Visual Aids (OSWER Publication No. **9230.0-12A**). Washington, DC: U.S. EPA, June 1989.
 21. U.S. EPA. Role of Community Interviews in the Development of a Community Relations Program for Remedial Response (OSWER Publication No. 9230.0-15). Washington, DC: U.S. EPA, June 15, 1990.
 22. U.S. EPA. Making **Superfund** Documents Available to the Public Throughout the Clean-up Process and Discussing Site Findings and Decisions as They Are Developed (OSWER Publication No. 9230.0-16). Washington, DC: U.S. EPA, November **5, 1990**.
 23. U.S. EPA. Using State and Local **Officials** to Assist in Community Relations (OSWER Publication No. **9230.0-** 17). Washington, DC: U.S. EPA, September 28.1990.
 24. U.S. EPA. Proposed Method to Evaluate the Effectiveness of Community Involvement in Superfund (Superfund Management Review: Recommendation No. 43.A) (OSWER Publication No. 9230.0-19). Washington, DC: U.S. EPA, September **18, 1990**.
 25. U.S. EPA. Innovative Methods to Increase Public Involvement in Superfund Community Relations (**Superfund** Management Review: Recommendation No. 43.A) (OSWER Publication No. 9230.0-20). Washington, DC: U.S. EPA, November 30.1990.
 26. U.S. EPA. CERCLA Compliance with **Other** Laws Manual, Part 1 (Interim Final) (OSWER Publication No. 9234.1-01). Washington, DC: U.S. EPA, August 1988.
 27. U.S. EPA. CERCLA Compliance with **Other** Laws Manual, Part 2: Clean Air Act and Other Environmental Statutes and State Requirements (OSWER Publication No. 9234-1-02). Washington, DC: U.S. EPA, August 1989.
 28. U.S. EPA. OSWER Integrated Health and Safety Policy (OSWER Publication No. 9285.0-01). Washington, DC: U.S. EPA, August 16, 1988.
 29. U.S. EPA. Standard Operating Safety Guidelines (OSWER Publication No. 9285.1-03) (**Supersedes** OSWER Publication No. **9285.1-01C**). Washington, DC: U.S. EPA, 1992.
 30. U.S. EPA. Hazardous Waste Operations and Emergency Response: Uncontrolled Hazardous Waste Sites and RCRA Corrective Actions (OSWER Fact Sheet **9285.2-08FS**). Washington, DC: U.S. EPA, April 1991.
 31. U.S. EPA. Procedures for Completion and Deletion of National Priorities List Sites and Update (OSWER Publications **9320.2-03A** and **9320.2-03B**). Washington, DC: U.S. EPA, April 1989.
 32. U.S. EPA. Data Quality Objectives for Remedial Response Activities (OSWER Publication No. **9355.0-7B**). Washington, DC: U.S. EPA, March 1987.

-
33. U.S. EPA. **Superfund** Removal Procedures: Revision Number Three (OSWER Publication No. **9360.0-03B**). Washington, DC: U.S. EPA, December 1988.
 34. U.S. EPA. Final Guidance on Implementation of the ‘Consistency’ Exemption to Statutory Limits on Removal Actions (OSWER Publication No. **9360.0-12A**). Washington, DC: U.S. EPA, June 12, 1989.
 35. U.S. EPA. Exemptions from the Statutory Limits on Removal Actions (OSWER Fact Sheet **9360.0-12FS**). Washington, DC: U.S. EPA, November 1990.
 36. U.S. EPA. Guidance on Non-NPL Removal Actions Involving Nationally Significant or Precedent-Setting Issues (OSWER Publication No. 9360.0-19). Washington, DC: U.S. EPA, March **3, 1989**.
 37. U.S. EPA. Superfund Removal Procedures: Action Memorandum Guidance (OSWER Publication No. **9360.3-01**), Washington, DC: U.S. **EPA**, December 1990.
 38. U.S. EPA. A Guide to Developing Action Memorandums (OSWER Fact Sheet **9360.3-01FS**). Washington, DC: U.S. EPA, December 1990.
 39. U.S. EPA. Superfund Removal Procedures: Guidance on the Consideration of ARARs During Removal Actions (OSWER Publication No. 9360.3-02). Washington, DC: U.S. EPA, August 1991.
 40. U.S. EPA. Superfund Removal Procedures: Public Participation Guidance for On-Scene Coordinators: Community Relations and the Administrative Record (OSWER Publication No. **9360.3-05**). Washington, DC: U.S. EPA, June 1992.
 41. U.S. EPA. Quality Assurance/Quality Control Guidance for Removal Activities: Sampling **QA/QC** Plan and Data Validation Procedures (Interim Final) (OSWER Publication No. 9360.401). Washington, DC: U.S. EPA, April 1990.
 42. U.S. EPA. Compendium of ERT Soil Sampling and Surface Geophysics Procedures (OSWER Publication No. 9360.4-02). Washington, DC: U.S. EPA, January 1991.
 43. U.S. EPA. Compendium of ERT Surface Water and Sediment Sampling Procedures (OSWER Publication No. 9360.403). Washington, DC: U.S. EPA, January 1991.
 44. U.S. EPA. Compendium of ERT Field Analytical Procedures (OSWER Publication No. **9360.4-04**). Washington, DC: U.S. EPA, 1992.
 45. U.S. EPA. Compendium **of ERT** Air Sampling Procedures (OSWER Publication No. **9360.4-05**). Washington, DC: U.S. EPA, 1992.
 46. U.S. EPA. Compendium of ERT Ground Water Sampling Procedures (OSWER Publication No. **9360.4-06**). Washington, DC: U.S. EPA, January 1991.

-
47. U.S. EPA. Compendium of ERT Waste Sampling Procedures (OSWER Publication No. **9360.4-07**). Washington, DC: U.S. EPA, January 1991.
 48. U.S. EPA. Compendium of ERT Toxicity Testing Procedures (OSWER Publication No. **9360.4-08**). Washington, DC: U.S. EPA, January 1991.
 49. U.S. EPA. Removal Program: Representative Soil Sampling Guidance (OSWER Publication No. **9360.4-10**). Washington, DC: U.S. EPA, 1992.
 50. U.S. EPA. Public Awareness Signs at Superfund Sites (OSWER Fact Sheet **9375.5-10FS**). Washington, DC: U.S. EPA, October 1990.
 51. U.S. EPA. Final Guidance on Administrative Records for Selection of CERCLA Response Actions (OSWER Publication No. **9833.3A-1**). Washington, DC: U.S. EPA, December **3, 1990**.
 52. U.S. EPA. Overview of the Off-Site Policy for **OSCs** and **RPMs** (OSWER Fact Sheet **9834.11FS**). Washington, DC: U.S. EPA, April 1992.
 53. U.S. EPA. Scope of the CERCLA Petroleum Exclusion Under Sections **101(14)** and **104(a)(2)** (OSWER Publication No. 9838.1). Washington, DC: U.S. EPA, July **31, 1987**.
 54. U.S. EPA. RCRA Corrective Action Interim Measures (OSWER Publication No. 9902.4). Washington, DC: U.S. EPA, June 10, 1987.
 55. U.S. EPA. **CERCLA/Superfund** Orientation Manual (OSWER Publication No. **EPA/542/R-92/005**). Washington, DC: U.S. EPA, September 1992.
 56. U.S. EPA. Interim Report of the Federal Facilities Environmental Restoration Dialogue Committee: Recommendations for Improving the Federal Facility Environmental Restoration Decision-Making Process and Setting Priorities in the Event of Funding Shortfalls. Washington, DC: U.S. EPA, February 1993.
 57. U.S. DOE Order 5000.3: Reactor and Non-Reactor Nuclear Facility Emergency Planning, Preparedness, and Response Program for DOE Operations. Washington, DC: U.S. DOE, August 13, 1991.
 58. U.S. DOE Order **5000.3B**: Occurrence Reporting and Processing of Operations Information. Washington, DC: U.S. DOE, March 3, 1992.
 59. U.S. DOE Order 5400.4: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Requirements. Washington, DC: U.S. DOE, October **6, 1988**.
 60. U.S. DOE Order **5500.1B**: Emergency Management System. Washington, DC: U.S. DOE, April **30, 1991**.
 61. U.S. DOE Order **5500.2B**: Emergency Categories, Classes, and Notification and Reporting Requirements. Washington, DC: U.S. DOE, April 1991.
 62. U.S. DOE. Order **5500.3A**: **Planning** and Preparedness for Operational Emergencies. Washington, DC: U.S. DOE, April 1991.

-
63. U.S. DOE. Order 5500.4: Public Affairs Policy and Planning Requirements for Emergencies. Washington, DC: U.S. DOE. August 1991.
 64. U.S. DOE Order **5500.7B**: Emergency Operating Record Protection Program. Washington, DC: U.S. DOE, October 1991.
 65. U.S. DOE. Order 5500.8: Energy Emergencies Planning and Management. Washington, DC: U.S. DOE, July 1989.
 66. U.S. DOE Order 5500.9: Emergency Planning, Preparedness, and Response to Continuity of Government Emergencies. Washington, DC: U.S. DOE, November 1990.
 67. U.S. DOE. Order 5500.10: Emergency Readiness Assurance Program. Washington, DC: U.S. DOE, April 1991.
 68. U.S. DOE. Order **5700.6C**: Quality Assurance. Washington, DC: U.S. DOE, September **23, 1986**.
 69. U.S. DOE. Administrative Record. (**DOE/EH-231-010/129**). Washington, DC: U.S. DOE, November 1991.
 70. U.S. DOE. Emergency Planning and Community Right-to-Know Act (**EPCRA**) Guidance (**DOE/EH/0181P**). Washington, DC: U.S. DOE, March 1991.
 71. U.S. DOE. Environmental Guidance Program Reference Books: Atomic Energy Act and Related Legislation (**ORNL/M-1249**), Revision 4 . Washington, DC: U.S. DOE, June 1989.
 72. U.S. DOE. Environmental Regulatory Guide for Radiological Effluent Monitoring and Environmental Surveillance. Washington, DC: U.S. DOE, **January** 1991.
 73. U.S. DOE. Information Repository. (**DOE/EH-231-009/129 1**). Washington, DC: U.S. DOE, November 1991.
 74. U.S. DOE. Introduction to RCRA Corrective Action and the CERCLA Remedii Process (Draft). Washington, DC: U.S. DOE, 1991.
 75. U.S. DOE. Natural Resource Trusteeship and Ecological Evaluation for Environmental Restoration at DOE Facilities. Washington, DC: U.S. DOE, June 1991.
 76. U.S. DOE. Public Participation in Environmental Restoration Activities (**DOE/EH-0221**). Washington, DC: U.S. DOE, November 1991.
 77. U.S. DOE. Secretarial Policy on the National Environmental Policy Act. Washington, DC: U.S. DOE, June 1994.
 78. U.S. EPA, U.S. DOE, U.S. DOD. Guidance on Accelerating CERCLA Environmental Restoration at Federal Facilities. Washington, DC: U.S. EPA, U.S. DOE, U.S. DOD; August 22, 1994.

-
79. **RQ-Calculator**, developed by the U.S. DOE Office of Environmental Guidance, EH-231, available from the U.S. DOE Office of Science and Technical Information (**OSTI**) at (615) 576-8401 for U.S. DOE employees and their contractors.
 80. Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities (**NIOSH/OSHA/USCG/EPA**). **NIOSH** Publication No. 95-115, 1985.